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BULLETIN

OCTOBER 1904

New York State Library

MELVIL DEWEY Director

Bulletin 87

LEGISLATION 22

REVIEW OF LEGISLATION 1903

Oct. 1, 1902, to Oct. 1, 1903

EDITED BY

Robert H. Whitten

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Bulletin 87
LEGISLATION 22

REVIEW OF LEGISLATION 1903

Oct. 1, 1902 to Oct. 1, 1903

EDITED BY
Robert H. Whitten *Sociology Librarian*

PREFACE

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins: *Digest of Governors Messages*, *Summary and Index of Legislation*, and *Review of Legislation*.

The *Digest of Governors Messages* is a topical digest covering all the states and including related topics in the president's message. The *Summary and Index of Legislation* is a minutely classified summary of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional. The present *Review of Legislation*, the third of its series, contains contributions from specialists in all parts of the country reviewing governors' recommendations and the laws enacted on each important subject. Beginning with the present year these three closely related annuals will be bound together to form the *Yearbook of Legislation*.

The *Review* is rendered possible only by the generous cooperation of the various specialists who contribute the articles.

MELVIL DEWEY

ABBREVIATIONS

States

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

Compilations of statutes

Ann. L.	Annotated laws	Crim. S.	Criminal statutes
Ann. S.	Annotated statutes	G. L.	General laws
C.	Code	G. S.	General statutes
C. C.	Civil code	P. C.	Political code
C. C. P.	Code of civil procedure	P. S.	Public statutes
C. L.	Compiled laws	Pen. C.	Penal code
C. P.	Code of procedure	R. C.	Revised code
C. S.	Compiled statutes	R. L.	Revised laws
Crim. C.	Criminal code	R. S.	Revised statutes
Crim. P.	Code of criminal procedure	S.	Statutes

Acts Resolves

art.	article	pt.	part
c. r.	concurrent resolution	r.	resolve
ch.	chapter	subdiv.	subdivision
j. r.	joint resolution	t.	title

Law reports

A.	Atlantic reporter	S. E.	Southeastern reporter
N. E.	Northeastern reporter	S. W.	Southwestern reporter
N. W.	Northwestern reporter	So.	Southern reporter
P.	Pacific reporter		

NOTES

Political science association. As the result of a movement started more than a year ago the American Political Science Association was organized at New Orleans, Dec. 30, 1903. The object of the association is the advancement of scientific study of politics, public law, administration and diplomacy. Frank J. Goodnow, professor of administrative law, Columbia University, is president of the association, and W. W. Willoughby, associate professor of political science, Johns Hopkins University, secretary. Provision was made for standing committees on international law and diplomacy, comparative legislation, historical and comparative jurisprudence, constitutional law, administration, politics and political theory. These committees will doubtless develop into permanent sections of the association.

The committee on comparative legislation should become a center for organization and promotion of work within this field. It should outline the work of indexing, digesting and classifying necessary for the proper organization of the material of comparative legislation and actively promote the undertaking of such work by government departments, institutions and individuals. Among the many things needed to facilitate the study of comparative legislation are: (1) an index of the legislation of all states and territories, 1776 to date; (2) a compilation or digest of the legislation of each general subject; (3) a compilation and digest of state constitutions; (4) an index of foreign legislation.

Several departments of the national government are already doing extensive work in comparative legislation in their particular fields. This is notably true of the Department of Agriculture, the Bureau of Education and the Bureau of Labor. For each important subject of legislation, as labor, charities and corrections, education, taxation, transportation etc. there should be some institution or government department that would undertake to act as a center for comparative investigation within the field, and would prepare and keep up to date, a compilation or digest of the laws of the subject. In this way the entire field of com-

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Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

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Crim. P.	Code of criminal procedure	S.	Statutes

Acts Resolves

art.	article	pt	part
c. r.	concurrent resolution	r.	resolve
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parative state legislation might be covered. The committee can perform no more valuable service than by actively promoting such a comprehensive organization of the work.

Advance sheets of session laws. With increasing interest in comparative state legislation, the existing delay in publishing session laws becomes more and more troublesome. People in all parts of the country are interested in securing promptly copies of important laws passed by various Legislatures. In order to make a careful examination of the statutes of a state on any subject, it is necessary to have on file every statute passed. In Connecticut, New York and Pennsylvania, each act is printed in separate form as soon as signed. Many European states follow this plan, and consequently an American can often examine current German and Austrian laws more promptly than those of neighboring states. The Pennsylvania law ['01 ch.289] provides that the secretary of state shall have each law printed within 10 days of its approval by the governor. A movement to secure advance publication by all the states has received approval of the National Association of State Librarians and of the Conference of Commissioners for Promoting Uniform Legislation.

Compilation and digest of state Constitutions. Much as the organic law must be consulted, there is at present no up to date compilation or digest of the various state Constitutions. Since 1890 nine new Constitutions and 252 amendments to existing Constitutions have been adopted. The need for a reliable compilation and digest is therefore very great.

Index of state legislation 1776–date. A complete index of state and territorial legislation is an almost indispensable aid to research in American economic, political, social or legal history. Thorough work in any of these lines at present requires an examination of all the statutes of all the states. Take, for example, the historical investigation of the question of elections. To trace the development of laws relating to suffrage, nominations, corrupt practices, ballots, secrecy etc., requires a detailed examination of the statutes of each state. With a comprehensive index giving exact references in chronologic order to all laws and amend-

ments in each state on these subjects, the work of the investigator would be decreased immensely. In fact there is scarcely a subject in American political, economic, social or legal history that does not involve an examination of state statutes. Nothing would do more to promote historical research in all branches of social science than the proposed index.

In compiling this index opportunity would be afforded also for a careful statistical study of the increase in the volume and number of statutes enacted; of local and private acts, their number and character; of the effect on the volume of legislation of restricting the duration and number of legislative sessions and of prohibiting special legislation.

The student of comparative legislation would find in such an index an excellent means of studying the influence of precedent, imitation, invention and environment on the enactment of statutes. Studies that show merely a cross section of existing law in the various states are of course not nearly so valuable a contribution to comparative legislation as those presenting the solid section—historical and comparative.

COMPARATIVE LEGISLATION IN ITALY

W. B. Cook Jr LL.B. New York State Law Library

Bureau of comparative legislation. In *Rivista di legislazione comparata*, Sep. 1903 [v.1, p.244-52] Signor A. Todaro della Galia has sketched the attempt to found a government bureau of comparative legislation. After outlining the fruitless attempt of Senator Pierantoni to induce legislative action in 1892, the writer turns to the measure presented to the Chamber of Deputies May 24, 1902, by Signori Sorani, Di Stefani and Bianchi Emilio. No action has apparently been taken on this measure.

The plan provides for a staff consisting of a director, two vice directors and six secretaries. These are to be selected from officials of the Department of Justice (of which the projected bureau is to form a part) and from the university professors of law. They are to compile and digest laws and codes in force in other countries and present the results of their work to Par-

liament annually in May; to furnish certified copies of Italian and foreign laws, which are to have the force of presumptive evidence in courts; also to furnish members of Parliament with bibliographic material on the general subject of comparative legislation, when requested.

Signor Todaro della Galia advances certain amendments designed to remove obscurities in the plan and to provide for more scientific administration. He would increase the number of vice directors to three, each to have charge of a definite department, and would have the director and vice directors chosen either from officials of the department or from the subsidized or free professors of the university, who have compiled and published studies in comparative legislation. The secretaries are to know all the European languages. As an adjunct he would institute a special library of law and legislation. He favors publication of all researches and compilations made and extension of the right to call on the bureau for such digests, abstracts and reference lists.

Though the establishment of such a bureau in the immediate future seems rather doubtful, Signor Todaro della Galia feels that it is only a question of time when the bureau will be a reality and suggests that if legislative action is lacking, it is possible for a determined minister of justice to effect its formation by royal decree.

Bureau of Comparative Educational Legislation. The Bureau of Comparative Educational Legislation in the Ministry of Public Instruction of Italy was established by decree on July 20, 1903. In its scope are embraced the four subjects over which the ministry has control: instruction, education, antiquities and the fine arts. Its special functions are: collection, preservation and publication of studies made by the ministry and subordinate commissions, and of rules, laws, regulations and decrees, whether of Italy or of other countries. It acts as a revising board to edit and coordinate projected legislation and education regulations, and as an advisory council with reference to such matters, transmitting its opinions to the Council of State for action. It is the office wherein are to be deposited decisions of the various bodies

and ministers and officials relating to administrative functions of the department and rules, regulations and decisions of the various local educational authorities of the kingdom. Domestic legislation, and debates and reports accompanying it, are to be carefully preserved and so indexed as to be readily available for use. The legislation and educational regulations of foreign countries are to be likewise collected with great care and kept in condition to be readily available for reference. To this end it has the right to secure material through the government consular officers. As the publication office of the ministry, it is to publish not only material relating to local educational affairs and legislation in the *Bulletin of the Ministry*, but also notes on more important features of foreign legislation and educational movements. In the *Bulletin* too appear the bibliographies of periodical literature on educational subjects in foreign and domestic journals, which the bureau is charged with preparing and publishing. The bureau is to furnish government officials abstracts and reference lists on the subjects within its scope.[1]

[1] Regolamento per l'uffizio di legislazione scolastica comparata, in Rivista di legislazione comparata, Sep. 1903 (v. 1, p. 271-73).

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REVIEW OF LEGISLATION 1903 LEGISLATION BULLETIN 22a

BIBLIOGRAPHIC NOTES ON SESSION LAWS, REVISIONS, AND CONSTITUTIONAL CONVENTION PUBLICATIONS

Oct. 1, 1902 to Oct. 1, 1903

T. L. COLE, STATUTE LAW BOOK CO. WASHINGTON D. C.

Session laws

Seven regular annual sessions were held: Georgia, Massachusetts, New Jersey, New York, Porto Rico, Rhode Island and South Carolina; all beginning in January 1903, except Georgia (June).

Thirty-five regular biennial sessions were held: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming; all beginning in January 1903, except Florida (April 1903) and Vermont (October 1902).

One regular quadrennial session was held in Alabama beginning in January 1903.

Besides these regular sessions nine extra sessions were held: Colorado (July), Hawaii (Ap. 30), Kansas (June), Maine (September), Montana (May), New Jersey (April), Rhode Island (December 1902), Texas (April), Virginia (July 1902).[1]

In all 52 sessions were held in 44 states and territories.[2] Only six states (Iowa, Kentucky, Louisiana, Maryland, Mississippi and Ohio) held no sessions of any kind during the period covered.

[1]The Ohio extra session, August 1902, was included among those of 1901-2, and the Virginia session of July 1902 was mentioned but not included there [*Review of Legislation 1902*, p. 708].

[2]During the same period of 1901-2 only 23 sessions were held in 17 states and territories.

The laws of each of these sessions were printed in one volume, or pamphlet, except the extra sessions (five) of Colorado, Hawaii, Maine, New Jersey and Texas which were printed in the same volumes, or pamphlets, as their regular sessions, thus reducing the number of volumes from 52 to 47; and Alabama (general and local), Connecticut (public and special), Michigan (public and local), New York (two volumes), North Carolina (public and private), Oregon (general and special) and Texas (general and special) which were each printed in two volumes, or pamphlets, increasing the number by seven and making 54 volumes, or pamphlets, issued during the period covered. That is there were two volumes or pamphlets printed for each of the seven states named last above and also for three other states—Kansas (regular and extra sessions), Montana (regular and first extra sessions) and Rhode Island (regular and extra sessions)—making 20 volumes; and one volume, or pamphlet, for each of the other 34 states and territories, again making 54 volumes issued.

Revisions, compilations etc.

California. Codes and Statutes by J: H. Deering, 1903. 5v. Unofficial

Colorado. Supplement to Mills' Statutes (v.3) 1891-1903. Unofficial

Connecticut. General Statutes, 1902. 1v. Official. Permanent edition with full index

Illinois

Supplement to Starr and Curtis' Edition (v.4) by Jones and Addington, 1896-1902. Unofficial

Revised Statutes by Harvey B. Hurd, 1903. 1v. Unofficial

Kentucky. Statutes 1903. 1v. Unofficial

Maryland. Code by J: P. Poe, 1903. 2v. Unofficial

Nebraska

Statutes 1903. 1v. Unofficial

Annotated Statutes by J. E. Cobbey, 1903. 2v. Unofficial

New York. Unofficial

Code of Civil Procedure; 23 chapters and amendments, 1903

New York. Unofficial (*continued*)

Amendments of Code of Civil Procedure, Criminal Procedure, and Penal Code, 1903

Code of Civil Procedure; contains all amendments of 1903, with notes of leading cases, by A. J. Parker jr, ed. 3, 1903

Code of Civil Procedure, Criminal Procedure, Penal Code and Acts relating to Practice and General Laws; amendments of 1903; Mayer's plan; by A. J. Danaher, 1903

Code of Civil Procedure; contains all amendments to June 1, 1903; complete topical index; by J. C. Thompson, ed. 28, 1903

Code of Civil Procedure of the State, as amended to the close of the legislative session of 1903; by G. Chase, 1903

Code of Criminal Procedure of the State, as amended, including 1893-1903: rev. ed. 22, 1903

Code of Criminal Procedure of the State, being chapter 442, laws of 1881, as amended by laws of 1882-1903 inclusive; by Lewis R. Parker, 1903

Code of Criminal Procedure and Penal Code of the State as amended, at 126th session of Legislature, 1903; by J. T. Cook, 1903

Annotations to the General Laws and Constitution; continuation of Silvernail's annotations; (v.4) by J. Power, 1903

Penal Code, as amended by laws of 1882-1903; full index: rev. ed. 22, 1903

Penal Code of State; ed. by Lewis R. Parker, 1903

Official Code Amendments for Bliss's Code, 1903

Ohio. Revised Statutes (Bates) to 1904, ed. 4. 3v. Unofficial

Oklahoma. Statutes (Wilson), 2v. Official

Pennsylvania. Digest of Laws, 1893 to 1903 (v.3). Unofficial

Rhode Island. Public Laws 1902-3. Fourth biennial supplement to General Laws, 1896. Official

South Dakota. Revised Codes, 1903. 1v. Official

Texas

Sayles' Civil Statutes, annotated; supplement, 1899-1903. 1v. Unofficial

Wilson's Criminal Statutes, annotated; supplement, 1897-1903. 1v. Unofficial

Washington. Supplement to Codes and Statutes 1899-1903; (v.3) by J: H. Mahan. Unofficial

The new revision of Maine has not yet (May 20) appeared. The new revision in Minnesota is postponed till 1905. New editions are in press or in preparation in Alabama (1907), Arkansas (1905), California (1905), Florida (1905), Hawaii (1905), Indiana (1905), Minnesota (1905), North Carolina (1905), Virginia (1904). The new North Carolina revision will be very acceptable as there has been no revision or compilation since that of 1883 nor any supplement to it. North Carolina is the only state whose last revision is older than 1892.

The usual new editions for 1905 may be expected in Illinois, Nebraska, New York and Ohio.

Constitutional conventions

A constitutional convention met in New Hampshire in December 1902 and adopted 10 amendments to the Constitution. These were submitted to the people at an election in March 1903 and four were ratified and six rejected [*Summary of Legislation*, p.295-96].

No other constitutional conventions were held.

The question of holding constitutional conventions is to be voted on by the people, at elections to be held in November 1904, in Idaho, Michigan and Nebraska.

STATUTES[1]

FRANK B. GILBERT, BILL DRAFTING BUREAU, NEW YORK LEGISLATURE

Number of statutes. The Legislatures of nearly all the states held regular or biennial sessions during 1903. The Legislatures of Iowa, Kentucky, Louisiana, Maryland, Mississippi, Ohio, Vermont and Virginia meet biennially in even numbered years and did not, therefore, convene in regular session but the Legislatures of Ohio and Virginia met in extra session. The net result of the labors of these Legislatures during the year was the enactment of more than 14,000 laws and resolutions, of which more than 5400 were general and the remainder were local and private, relating specially to local matters or conferring special privileges on private individuals and corporations. The number of these statutes vary in the several states not so much according to wealth, population and varied interests, as according to the powers conferred and limitations imposed by their Constitutions on the enactment of laws relating to certain subjects. An instance or two will suffice to show the truth of this statement. California, ranking ahead of Connecticut in population and wealth, has had its interests and welfare amply protected by the enactment of 385 laws, more than one half of which are general, while Connecticut has required the passage of nearly 700 acts, less than one third being general. This disparity arises partially from the fact that the California Constitution expressly prohibits the passage of local and special laws in 33 enumerated cases, the last of which prohibits such laws "in all other cases where a general law can be made applicable," while the Constitution of Connecticut contains no expressly enumerated limitations on such enactments. The Constitution of Maine contains no

[1] *See also* Governors Messages and Summary of Legislation, 2.

absolute limitation on the power of the Legislature to enact special and local laws, and we find that of the 622 laws enacted during 1903, 240 were classed as public laws and 422 as private and special.

It is perhaps not necessarily true that this result is a convincing argument in favor of extended constitutional limitation on the legislative power to enact private and special legislation. Nor does such a limitation always produce the effect which is evidently desired, namely, the enactment of general laws to apply in all cases to municipalities and persons similarly situated, and the consequent prevention of overlegislation. For instance municipal charters, drawn with great care and with cunningly devised elasticity, in the effort to cover all requirements of municipalities of the same class prove in practice insufficient to meet local conditions. Legislative relief is sought by a single municipality. Facts are produced conclusively showing that the case is an exception to the general rule that what is good for one is good for all, and the draftsman's ingenuity is called on to avoid the constitutional restraint and afford the desired relief. The result is accomplished by the use of language general in its nature but special in its application; as where "in a city of the third class containing a population of not less than 10,000 nor more than 11,000 by the last federal census," the thing desired may be done. Laws like this are common in states where the Legislature's power to enact local and special laws is restricted, and their constitutionality has been generally upheld by the courts.

Preparation and revision of bills

In general. As a rule in this country legislative bills are drafted either by the members introducing them or by the attorneys representing the interests to be affected thereby. The rules of procedure as adopted by nearly all Legislatures provide more or less in detail the forms to be followed in preparing bills, and in many states special committees are appointed to revise them before their final passage. These rules are never rigidly enforced, and in the hurry of legislative action, specially at the

end or near the end of the session when the work of the standing committees is before the respective houses, the revision committees are either absolutely discharged from their duties or the time which can be devoted to their labors is so shortened as to nullify all good results which might otherwise be derived from revision carefully and systematically done. To show the force of this statement: the Legislature of New York was in session in 1903 from Jan. 1 to Ap. 23, a total of 107 days, and 645 laws were passed and approved by the governor. Ten days before the final adjournment but 157 of these laws had been passed and signed by the governor; during the last 10 days the Legislature passed and sent to governor for his approval 618 bills, of which 488 became laws. It is not thought that this situation is peculiar to New York.

In New York, South Carolina and Connecticut effort has been made by the appointment of official draftsmen to provide for more careful preparation of legislative bills. In New York the statute [Legislative law '92 ch.682, §23, as amended by '01 ch.88] provides for appointing three attorneys "to draft bills, examine and revise proposed bills, and advise as to the consistency or other effect of proposed legislation." In South Carolina a similar work is authorized to be performed by state solicitors under the direction of the attorney general. But in neither state is it compulsory on the members to refer proposed legislation to such attorneys for revision or redrafting. The office records of the official draftsmen in New York for the year 1903, show that about 650 bills, constituting nearly one third of the total number introduced, were either originally drafted or redrafted by these officers. The less skilled and experienced members and the members whose time is fully occupied because of important committee assignments with the duties accompanying their positions have commonly availed themselves of the services of this bureau. Beneficial results have doubtless been accomplished. The form and expression of legislative enactments have improved under this system, but the scope of the powers conferred on the bureau is not sufficiently broad to produce a comprehensive effect on the whole body of the statute law.

There still exists in New York as in every other state the acknowledged defect of lack of care in preparing and revising legislative bills. The remedy most frequently suggested as a cure for this defect is the reference of each act after it has passed both houses to a committee consisting of skilled draftsmen and skilled members of both houses, who shall revise the form and language of the act in such wise as, without in the least affecting its substance, to improve its arrangement and phraseology, the act being then formally submitted to both houses before the executive approval is given, so as to prevent any suspicion that a change of substance has been made. This remedy will be ineffective in the face of legislative procedure which admits of passing 618 bills in the last 10 days of a legislative session. The examination and revision of such a mass of matter would prove an impossible task for a considerable number of draftsmen, however expert they might be.

A more practical suggestion is that the skilled draftsmen be put to their work before action is taken by either house. No bill should be accepted for introduction unless in proper form and language. A defective bill should not be printed, much less considered by the Legislature or its committees. It is better that the introducer of a bill should be notified that his desired object will not be thereby accomplished, or that he seeks to do what has already been done, or what can not be done because of organic restrictions, before he saddles on the state the expense of printing the bill and of setting in motion the legislative machinery. The Legislature of New York costs the state each year more than $1,000,000; at this rate each bill introduced represents an expenditure of nearly $400.

English method. An office is established in the English government which is responsible for the preparation of all government bills. This office is subordinate to the treasury and is thus brought into immediate relation not only with the chancellor of the exchequer, but with the first lord of the treasury, who is usually prime minister. The office is presided over by the parliamentary counsel of the treasury and all government bills,

except Scotch and Irish bills, are prepared by him or under his direction. He and his assistants devote their entire time to this work, whether Parliament is in session or not. The bills coming under his supervision are only those which are of general application and relate to such branches of administrative law as are within the jurisdiction of the several departments of the government. He exercises no systematic supervision over private member's bills. The right of initiating legislation belongs to every member of Parliament, and the number of members' bills introduced each session exceeds the number of those introduced on behalf of the government. But comparatively few members' bills ever become laws.

A glance at this system of official bill drafting shows that it is not adaptable to the legislative methods in vogue in the Legislatures of the several states in this country. There is here no responsibility on the part of the executive or administrative departments for the form or substance of statutes. Such departments can do no more than suggest to the Legislature the bills which are deemed advisable by them to accomplish desired results. The bills themselves must be initiated by members of the respective legislative bodies.

Not much benefit in the way of reform in our legislative procedure and in our methods of statute making can be derived from an investigation of the English system. Nothing is there available as an aid to those seeking a remedy for defectively drafted statutes except the fact that the preparation of bills by official draftsmen trained in their work, with facilities for examination of all related subjects, devoting their entire time to the duties of their office, has resulted in a marked improvement in simplicity and clearness of arrangement and expression. As stated by Sir Courtenay Ilbert, the present parliamentary counsel: "If the statute book of the present day is compared with the statute book of 40 or 50 years ago, it is impossible to deny that the language of statutes has become more concise, uniform and accurate, and that the arrangement of statutes has become more logical and consistent."

Suggestions as to bill drafting. It will not be possible within the scope of this article to dwell at length on what constitutes good bill drafting, nor to give in detail all the rules which should be followed. Nor would it be feasible to attempt an exhaustive treatment of the constitutional and statutory requirements of the several states pertaining to the forms and subject-matter of legislative bills. But a few suggestions may be made of more or less importance and of perhaps general application.

Subject-matter. Before beginning the preparation of a bill the subject-matter must be mastered. The defects which the proposed legislation is intended to remedy must be thoroughly considered, and the effect of the proposed remedy must be definitely determined.

Our Legislatures deal most extensively with so called administrative law, that is, the law controlling the administration of public affairs, the performance of administrative duties and the exercise of administrative powers by public authorities. The draftsman of a bill proposing an improvement in administrative machinery must first of all ascertain what powers and duties already exist for the purpose contemplated, and who the officer is having such powers and duties. He must by a careful examination of existing law determine in what manner and to what extent his proposed change will affect existing conditions. He must so far as possible conform his modification to existing systems so that there will be the least possible derangement of well tried and smoothly working administrative machinery. If he has determined that a certain officer should be vested with additional power, he must ascertain how the powers and duties of other administrative officers are to be thereby affected. All this will require a careful study of a number of closely related laws, some generally applicable to the particular subject on which he seeks legislation, and others special in their nature, excepting local or private interests from the force and operation of the general rule, but which must necessarily be affected by his proposed bill.

Constitutional limitations. Even the most careful draftsman will occasionally find that his bill prepared with studious regard

for all possible contingencies is void and ineffectual because in contravention of some unthought of constitutional prohibition. Nearly all of our state Constitutions contain provisions prohibiting private or local bills on certain express subjects. These provisions should be examined and if the purpose contemplated by the proposed bill pertains to local or private interests and is within either of such express prohibitions, the draftsman will perforce incorporate his proposed change in a general bill. In any event the draftsman will find it necessary to study with care all constitutional provisions restraining legislative action and the opinions of the courts in cases involving the constitutionality of laws similar in effect to that produced by his bill.

Title of act. It is a usual constitutional requirement that the object or purpose of an act be expressed in its title. Care should therefore be taken that the title of the proposed bill accurately states its object. This does not require a statement of every minute detail contained in the bill. Generality of the title is not objectionable [State *v.* Wilson, 12 Lea, (Tenn.) 246, 253]. The title may be so broad and comprehensive as to include innumerable minor subjects, provided they are all capable of being so united and combined as to form one grand and comprehensive subject [State *v.* Barrett, 27 Kan. 213, 217]. For instance, "An act in relation to municipal corporations" would be sufficient to embrace provisions relating to cities, villages, towns and counties, where by statute such term is made to include all these. The title should be as short as it can possibly be made in conformity with the constitutional requirement. Long titles are an abomination. They are inconvenient for reference, uselessly encumber the statute books and rise up to plague the subsequent draftsman who seeks an amendment to the act.

Arrangement. A bill which is at all complicated or long drawn out should be arranged in sections. The use of sections permits of a readier grasp of the subject-matter of the bill, enables a more definite and accurate reference to the several parts thereof, and facilitates amendment either in the course of its passage or after its enactment. Sections of excessive length are to be avoided.

In nearly all the states amendments to existing statutes are made by inserting the proposed change in the section and reciting it at length as amended; in those states, then, the shorter the section, the less matter will be required to accomplish a change in the statute by a subsequent amendment. It is frequently desirable to subdivide a section into subsections or subdivisions; this is specially the case where a number of distinct powers and duties are imposed on an officer or board. But excessive subsectioning will lead to confusion and facilitate disarrangement. Numerous sections are better than a few sections with many subdivisions and subsections. When a section has once been divided into subdivisions, such subdivisions should not be again subdivided. If a subdivision is capable of again being divided it should be made a separate section.

The arrangement of the sections of a bill should be logical and orderly. Perhaps no fixed rules can be laid down controlling such arrangement. Each bill will of itself determine its method of classification. But general provisions should come first and special, local and temporary provisions should be placed at the end. Ilbert states as a general rule [*Ilbert's Legislative Methods and Forms*, p. 245], "it is convenient to lay down first the rules of law to be observed, and then to state the authorities by which they are to be administered, and the procedure to be followed in administering them." But where no authority is in existence for the administration of the rules prescribed the bill should first provide for the creation of the office by which it is proposed to accomplish the desired result.

Language. Clear and concise language is of first importance. Law for lawyers should not be the invariable rule, however desirable it may be for the lawyers themselves. Statutory law is for the most part administered by laymen; it is usually for the guidance of men not necessarily expert in interpreting legal forms and expressions; it should therefore be expressed in clear and intelligible language without unnecessary resort to technical phraseology.

If a statute is in existence, as is the case in nearly every state, defining terms as used in statutes, reference should always be

made thereto, and the terms as there defined should be used with the meaning there prescribed. If by such a statute a person is defined as including a "person, firm, partnership, association or corporation," the word "person" should be used, and the words which it includes should be omitted. Such a statute usually prescribes that words in the singular number include the plural, and in the plural number include the singular, and that words of the masculine gender include the feminine and neuter. For instance, the sentence "there is assessed an excise tax to be paid by every corporation, association, copartnership or person engaged in such traffic, and for each such place where such traffic is carried on by such corporation, association, copartnership or person etc." [N.Y. liquor tax law '96 ch.112 §11] could have been expressed with the same meaning thus, "an excise tax is assessed upon and shall be paid by, every person engaged in such traffic for each place where it is carried on by him etc."

Recognized rules of interpretation should also be examined and carefully observed. It may be well to suggest a few of these rules, though the scope of this article will not admit of a consideration of many of them. (1) The entire act must be read as a whole, and, therefore, the language of one section may affect the construction of another. (2) Special provisions will control those which are general. (3) Repeals by implication are not favored. (4) Knowledge or intent under certain conditions is an essential element in the breach of a penal statute, so it may or may not be necessary to use the word "wilfully" or "knowingly." (5) A common law rule or principle is only modified to the extent expressly declared in the terms of the statute. (6) There is a presumption against the retroactive operation of a statute. (7) A power conferred may be construed as a duty enjoined, i. e. "may" is frequently construed as meaning "shall."

Short sentences should be used when possible. As said by Jeremy Bentham [*Works* v. 3, p.355]: "When it is necessary to present a long train of ideas, it is proper to assist the understanding by brevity of style. Each separate sentence forms a resting place for the mind."

Reasons for the law should not be included in the act. They are for the most part unnecessary and add nothing to its force. A statute which is worthy of existence will, if drawn so as to produce the desired result, be sufficiently clear to those affected by its provisions without argument expressed in the act. Intended to serve as a rule of conduct the act can not be too simple, too clear, too free from dispute. If reasons and opinions are intermingled with it, all those are arrayed against it who do not approve the reasons or opinions which it expresses. Instead of becoming stronger, it becomes feebler, and an instrument of attack is thus prepared for its adversaries, and it is delivered up to their disputes.

Amending existing statutes. A large proportion of all bills are amendatory of existing statutes. In every state revisions or consolidations of general statutes are prepared from time to time at considerable expense to the state by commissions created for such purpose. The work of these commissions would be much less laborious and expensive if proposed bills were drafted with special reference to former revised laws, either by incorporating proposed changes in the body of a similar section of a revised law, or by the addition of supplemental sections to articles or chapters of such a law.

Amendatory statutes are more practicable and in nearly every case more desirable. It is seldom that a bill suggests an entirely new idea. As a rule the draftsman finds that his object can be attained by changing or extending the operation of an existing statutory provision. In most states this is accomplished by amending the existing section by incorporating therein the proposed change. Constitutional requirements are frequently prescribed which must of course be carefully and fully complied with. For instance, in Indiana and Oregon the section amended must be set forth and published at full length. This requirement is not met by the amendment of a subdivision of a section "to read as follows," but it is necessary to reenact the whole section at length "however long it may be, or into however many clauses it may be divided," introducing the amended clause in its proper place

[Martinsville *v.* Frieze, 33 Ind. 507; Cowley *v.* Rushville, 60 Ind. 327]. In Nebraska it is provided that the amendatory act shall contain the section amended and "the section so amended shall be repealed." A similar provision is contained in the Constitutions of Kansas and Ohio.

In New York there is no constitutional requirement as to the form of amendatory acts, but the legislative rules require a bill proposing an amendment to an existing law to set forth the section amended in full, with the new matter underlined and the matter omitted indicated by brackets. These rules also require a reference by year and chapter number to each prior act amending the same section. The reason for this requirement is that the act may on its face indicate the legislative history of the statute which it is proposed to alter and facilitate by reference to prior acts the determination of the status of the law pertaining to the subject at any particular time.

Revision and compilation of statutes

All states find it necessary at intervals to provide for compiling and revising general statutes. There are many different methods adopted, all having the common purpose of classifying, arranging and consolidating existing statutes so as to facilitate accessibility and eliminate inconsistent, redundant and obsolete provisions. The usual method is to authorize the appointment of a commission with full power to collect, compile and reduce into one act all the general statutes of the state, but not permitting changes in their subject-matter, except to avoid repetitions and dispose of inconsistencies. The result of the commission's labors is then submitted to the Legislature for ratification as a single act. This method is illustrated by a statute of North Carolina ['03 ch.314] directing a commission therein named to "collect, revise and reduce into one act the different statutes and parts of statutes, which, from similarity of subjects, ought, in their opinion, to be so arranged, distributing them under such titles, divisions and subjects as may to them seem proper" etc. Such commission is authorized to "rearrange chapters; to renumber and transpose

sections: to provide other and different head notes; to omit all repeated sections or provisions in existing statutes, and, in every other respect to complete said revision in such a manner as to them shall seem proper and needful to render said statutes plainer and easier to be understood." The commission is required to submit its revision to the next General Assembly. Each commissioner is allowed compensation at the rate of $1000 a year with an allowance of $1500 for clerical assistance.

A commission with somewhat similar powers has been appointed in Florida ['03 ch.162]. This commission is expressly directed not to change the phraseology of a statute that has been the subject of judicial decision. They are authorized to examine the compilation of the laws of Florida made by a certain person named in the act, and if they find such compilation satisfactory they may recommend its adoption as the official compilation. This is rather a unique provision, though in a number of states private compilations have been made official by special legislative enactment.

In Arkansas a single person is named as a reviser and digester of the statute laws of the state whose work when completed is to be submitted to a person named as examiner ['03 ch.204]. The act then provides for printing and distributing 8000 copies of the digest so called. There is apparently no provision made for submitting the work to or its subsequent adoption by the Legislature. But one year is given for completing the work.

In Nebraska ['03 ch.124] authority is vested in a single person to prepare a compilation of the statutes without cost to the state, and the state appropriates a certain sum for the purchase of 500 sets of the work.

In Oklahoma ['03 ch.32] a private edition of the statutes is made presumptive evidence of the laws of the territory.

Another method of compiling, revising and codifying statute law is by authorizing commissions appointed for the purpose to submit their work to the Legislature in the form of separate bills embodying all the laws relating to the subjects embraced therein. This is the form followed by the New York State Statutory Re-

vision Commission. New Jersey has also used this method. The commission appointed in that state in 1901 is continued in office for another year by an act passed at the last legislative session ['03 ch.232], by which act the commission is directed to present such "further bills" as shall be prepared by them in the meantime to the Legislature early in its next session. By an act passed in Indiana ['03 ch.212] the governor was directed to appoint a commission, whose duty it is to prepare a compilation, revision and codification of the statute laws of Indiana "concerning public, private and other corporations, including statutes concerning combinations and trusts, and also statutes relating to highways and drainage, and such other statute laws of the state of Indiana as said commission shall deem proper." The commission is required to submit the same in the form of bills to the next regular session of the General Assembly.

The method of securing statutory revision and consolidation is doubtless controlled in the several states to greater or less extent by constitutional provisions determining the form of proposed bills presented to the Legislature. In nearly all the states where revisions have been made in bulk revised statutes may be enacted without presentment in the form of a bill. In Connecticut the general statutes of the state, as revised in 1902, were adopted, ratified and confirmed by an independent act of the Legislature ['03 ch.153]. Such an adoption of the work of a revision commission would probably be unauthorized under the system in force in New York, and the same is doubtless true in the states of Indiana and New Jersey. Conceding that a submission to a legislative body of a complete consolidation of all the statutes at one time, is more advantageous than the submission of such a consolidation and revision by bills embracing a good portion of the statute law it is not feasible to proceed along such lines in states where the Constitution requires the enactment of all statutory law by presentation and consideration of printed bills.

It seems to be the usual custom, specially where revisions are enacted in bulk, to provide for the publication of such revisions at the expense of the state. When appropriations are so made

they are usually sufficient to warrant a liberal distribution of editions of the statutes to all public officers, and provision is thereupon further made for publishing and selling such statutes at a reasonable rate so as to bring them within the reach of those requiring them. During 1903 the statutes of Arkansas ['03 ch. 204], Florida ['03 ch.162], New Hampshire ['03 ch.117], Nebraska ['03 ch.124], South Dakota ['03 ch.203] and Wyoming ['03 ch.12] provided for publishing revised statutes at state expense and for the sale thereof at a reasonable price to the public.

Publication of session laws

An examination of the session laws as published in the several states discloses great variety in form and method. In a few of the states the acts as printed are classified topically, but even where such classification is adopted there seems to be a lack of any well defined principle, and frequently the method used is unscientific and illogical.

There is no doubt that a carefully prepared and systematically arranged classification by subject would facilitate easy reference to the several acts. Such a system when once inaugurated must be followed in each subsequent year so that statutes pertaining to similar subjects may be found in each year under the same head. The topical arrangement is of course subject to the discretion of the compiler. Whatever defects arise in lack of observance of constituted arrangement may be usually attributed to the frequent changes, owing to political conditions, in the personnel of the office to which the compilation and publication of session laws is an adjunct.

The acts published in the session laws are usually arranged in the order of their passage, each chapter being given a number on its being filed in the proper office. This system has its advantages, the chief of which is the facility thus afforded of giving information by reference to the proper chapter number before the official publication of the session laws.

Where acts are thus arranged in the session laws dependence must be placed on reference tables and indexes in ascertaining the

subjects covered by the several acts contained in the volume. Without a properly prepared index the person desiring information as to the existing condition of the law on any particular subject will be put to great inconvenience.

An examination of the session law indexes at once discloses the entire lack of uniformity in their preparation. The same system of subject entries can not be found in use in any two states, and even in the same state we seldom find the same headings and arrangement used in consecutive volumes. While it may be impracticable to suggest uniformity in this respect as to the several states, one with the other, it would seem as though it were entirely feasible to secure the adoption in a single state of a fixed system of subject headings and cross references, so that a person becoming familiar with the form used in one year would find the same classification in use in subsequent years. It may not be said with fairness that the indexes of the session laws of states are absolutely bad, but few indexes can be found which show any expertness on the part of the compiler. A good index is undoubtedly hard to make, but this is the greater reason why special attention should be given to the selection for the work of persons who are specially fitted by experience or otherwise. If lack of knowledge of a law is no excuse to the person affected thereby, it is reasonable to suggest that the law be so published as to be readily ascertainable by him. It is well enough to provide for disseminating knowledge as to statutes which are enacted by publication at great expense in newspapers throughout the state, or by liberally distributing printed copies of the laws as passed, but it is too much to expect every man to familiarize himself with each and every act, so as to rest content in the assurance that none of them prescribe his course of conduct as a good citizen, or affect his rights and interests. The state can take no action which will bring more effectually to each citizen knowledge of the law under which he is living than by providing for a scientifically arranged and carefully prepared index to the voluminous mass of annually or biennially enacted acts and resolutions.

A number of states provide by statute for tabulating all changes in statutes which are made from year to year by the acts contained

in the volumes of the session laws. These tabulations are confined for the most part to amendments or repeals of existing laws. By an act passed by the Legislature of Maine ['03 ch.56] the secretary of state is required to cause tables to be prepared showing what general statutes have been affected by subsequent legislation, "in such manner as to furnish ready reference to all changes in such statutes." The tables so prepared are printed in the official editions of the laws published by the state. The secretary of state in New York under no express authority of statute has customarily included in tabular form at the end of the session laws tables showing amendments to sections of the general laws, and also to the Code of Civil Procedure, the Penal Code, the Code of Criminal Procedure and all local laws which were amended during the prior session of the Legislature. These tables are of great value in determining the status of laws which have been revised from time to time. It would seem that the advantage of such a method would appeal to the official compilers of session laws in all the states, and that it would ultimately become of universal use.

In Montana by a recent act ['03 ch. 17] the Legislature has provided that the secretary of state shall cause the laws to be published in a specified form. Under this act each law is headed by a chapter number, thus "Chapter 17," using in each instance the arabic numerals for numbering. This seems to be in conformity with the suggestion made by the commission for promoting uniformity of legislation in the United States, to the effect that "arabic numerals should be used for chapter numbers in place of the antiquated and obscure roman numerals."

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REVIEW OF LEGISLATIÓN 1903 LEGISLATION BULLETIN 22c

State Government C. E. Merriam
Lawmaking and Elections Robert H. Whitten

STATE GOVERNMENT[1]

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Governor. During the year 1903, Ohio was added to the number of states granting the governor the veto ['03 p.962], leaving now only two, North Carolina and Rhode Island, in which this power is withheld. The Ohio amendment includes not only the right to veto items in appropriation bills, but also the right to negative any section in any bill. The veto of the governor may be overcome by a two thirds vote. In Kansas the Legislature proposed an amendment to the Constitution providing that the governor may veto items in appropriation bills ['03 ch.545], but this has not yet been voted on by the people. The general tendency to increase the salary of the governor continues to operate. In Indiana the compensation of the executive was raised from $5000 to $8000 ['03 ch.57] and in Kansas from $3000 to $5000 ['03 ch.240]. In Tennessee the Legislature provided for the submission of a constitutional amendment extending the term of the governor from two to four years ['03 ch.532]. The power of the governor was materially increased during the last year by the creation of an unusually large number of new officers whose appointment was almost invariably placed in his hands. The veto power, the longer term, the higher salary, the larger appointing power, all point to the increasing importance and strength of the executive.

Minor state offices. In West Virginia popular election has been substituted for appointment by the governor in the choice of secretary of state ['03 ch.21], and in Tennessee a proposed con-

[1] *See also* Governors Messages and Summary of Legislation, 15.

stitutional amendment provides for popular election of the same officer in place of selection by the Legislature ['03 ch.532]. There is noticeable through the legislation of 1903 a general tendency to increase the salaries of officers and to provide additional clerical assistance in the various departments, but nothing to indicate anything more than normal expansion and growth. Indeed it is doubtful whether the changes in salary have kept pace with the increased cost of living within the last few years.

Civil service. Changes of only minor importance were made in the civil service laws. In Nevada it was provided that any one appointing or procuring the appointment of a deputy or employee in consideration of payment of any part of the salary attached to the office is liable to heavy fine or imprisonment ['03 ch.25]. In Massachusetts public service corporations were prohibited from employing, promoting or discharging employees on recommendation of public officers and such recommendation by public officers was prohibited ['03 ch.320]. In Connecticut a minor amendment was passed, respecting preference to be given to veterans of the Civil War ['03 ch.60]. In New Mexico territorial and county officers were prohibited from becoming surety for other persons ['03 ch.57].

Creation of new boards. By far the most striking characteristic of legislation in regard to state government during the last year was the rapid multiplication of new boards, bureaus, commissions and other offices or agencies. In the year 1901 about 40 such organs of government were created, in 1902 about 20, but in 1903 about 140 new offices and boards were brought into existence.[1] In addition to these, 75 temporary commissions and 39

[1]Fifteen of these boards or officers were constituted by the assignment of new functions to already existing boards or officers. These were the sheep inspector of California, the inspectors of weights and measures in Idaho and Kansas, the Mining Bureau of Maine, the entomologist of Minnesota, the Nevada State Board of Revenue, the North Carolina Board of Pensions, the Board of Military Examiners of Oklahoma, the Portage Commission of Oregon, the state superintendent of banks in South Dakota, the Oyster Commission of Washington, the state inspector of mines in Wyoming, the Illinois Board of Classification, the New Jersey Examining Board of Health Officers and Sanitary Inspectors, and the Michigan Examining Board of Embalmers.

special investigating commissions were provided by the Legislatures of the various states during this one year. Including both temporary and permanent agencies of government, over 200 were organized during 1903. Of the permanent offices alone there were twice as many created as had been organized in the two preceding years. This surprising number of new branches of state government is distributed among the departments of public health, agriculture and industry, finance, education and philanthropy.

In the interest of public health over 40 boards were established. Boards of health were organized in Arizona ['03 ch.65], Georgia ['03 p.72] and Oregon ['03 p.82]; four boards for the examination and certification of physicians, of which three were in Arkansas ['03 ch.22, 98] and one in South Dakota ['03 ch.176]; one examining board of health officers and sanitary inspectors in New Jersey ['03 ch.215] and a state health inspector in Nebraska ['03 ch.4]. Five of the new boards were designed for the examination of veterinary surgeons—Colorado ['03 ch.170], Delaware ['03 ch.364], Massachusetts ['03 ch.249], North Carolina ['03 ch.503] and Oregon ['03 ch.154]—and in addition to these there was provided a state veterinarian in Florida ['03 ch.156] and a state veterinary surgeon in Colorado ['03 ch.171]. A board of pharmacy was established in Arizona ['03 ch.74]; three boards of examiners of nurses, in New York ['03 ch.293], North Carolina ['03 ch.359] and Virginia ['03 ch.191]; five boards for the examination of osteopaths, in Arkansas ['03 ch.173], Michigan ['03 ch.162], Minnesota ['03 ch.369], Missouri ['03 p.248] and Oklahoma ['03 ch.22]; three examining boards of embalmers, in Maine ['03 ch.98], Texas ['03 ch.95] and Michigan ['03 ch.132]; two boards of optometry, in California ['03 ch.234] and North Dakota ['03 ch.130]; five boards of examiners of barbers, in Kansas ['03 ch.70], New York ['03 ch.632], Rhode Island ['03 ch.1100], Utah ['03 ch.137] and Wisconsin ['03 ch.191]; a state bakery inspector in Wisconsin ['03 ch.230 §6]; inspectors of meat and milk in Montana ['03 ch.120], and a board of dairy, pure food and oil commissioners in Idaho ['03 p.95]. The list is completed with the addition of two anatomic

boards whose function is the distribution of dead bodies among medical colleges [Ind. '03 ch.31, N. C. '03 ch.666], a bureau of vital statistics in Texas ['03 ch.135], a laboratory of hygiene in Maine ['03 ch.223] and state chemists in Utah ['03 ch.97] and Wyoming ['03 ch.82].

A great variety of boards for the betterment of agricultural, mining and other industrial interests was also formed by the Legislatures. More closely allied to agriculture are those in the following list. In three states a horticultural department was organized, California ['03 ch.379] (reorganization), Idaho ['03 p.347] and South Dakota ['03 ch.215]; a state inspector at large was provided in Montana ['03 ch.109], while a state inspector of horticulture was established in Montana ['03 ch.109] and Arkansas ['03 ch.203 §2] and a nursery inspector in New Hampshire ['03 ch.43]. A board for the administration of farmers institutes was authorized in Minnesota ['03 ch.221], and directors of the state fair in Montana ['03 ch.96]. A live stock sanitary board was organized in Minnesota ['03 ch.221], cattle commissioners provided in Vermont ['02 ch.85], brand inspectors in Colorado ['03 ch.170], sheep inspectors in Utah ['03 ch.42], California ['03 ch.267] and Colorado ['03 ch.171]. A state poultry association was recognized in Kansas ['03 ch.28], game and fish wardens were established in New Mexico ['03 ch.48 §2, 3] and Tennessee ['03 ch.169], oyster commissioners in North Carolina ['03 ch.516] and Washington ['03 ch.166], a [illegible] for shell fisheries in New Jersey ['03 ch.265], and an inspector of cranberries in New Jersey ['03 ch.256] (reorganization). Looking in another direction we find a new group of [illegible] inspectors in Idaho ['03 ch.89], a department of state [illegible] with a state forest warden in Wisconsin ['03 ch.450] [illegible] for a forestry warden and firewardens in [illegible] highway commissions were established [illegible], Michigan ['03 ch.203] and Pennsylvania [illegible] Board of Irrigation might also [illegible], and inasmuch as the Dela- [illegible] constituted a board of immigration

commissioners, that new agency might also be appropriately added ['03 ch.333].

Mining interests are responsible for the creation of a long list of boards. A bureau of labor statistics and inspection of workshops and factories was organized in Oregon ['03 p.205], a department of mines (reorganization) in Pennsylvania ['03 ch.137], a state mining bureau in Maine ['03 ch.227] and a mineral department in Colorado ['03 ch.151]. A board of coal mining examiners was provided in Missouri ['03 p.242], a chief mining inspector in Tennessee ['03 ch.237], in Kansas ['03 ch.544] the state secretary of mine industries was constituted a state inspector of weights, measures and scales at coal mines and in Wyoming the state geologist was constituted inspector of other than coal mines ['03 ch.35].

The financial side of state activity is represented in a number of new organs of government. In Florida the office of state auditor was authorized ['03 ch.14], in New Mexico the office of traveling auditor and bank examiner was created ['03 ch.54] and in South Dakota the public examiner was constituted superintendent of banks ['03 ch.79 §2–4]. Boards of public accountants were organized in Illinois ['03 p.281] and Washington ['03 ch.72]. A state board of revenue stands to the credit of Nevada ['03 ch.69 §15], a board of deposits to Idaho ['03 p.375], and a board of pensions was created in North Carolina ['03 ch.273 §5]. The list is completed with New Hampshire's Board of License Commissioners ['03 ch.95], Vermont's Court of Claims ['02 ch.38–39] and the arid land boards of Montana ['03 ch.114] and Utah ['03 ch.71].

In the province of charities and corrections, important additions were made to the existing machinery. These include a board of charities and corrections in California ['03 ch.363], a board of pardons in Indiana ['03 ch.236], a board of prison industries and board of classification in Illinois ['03 p.271], a bureau of child and animal protection in Montana ['03 ch.115], and an inspector of child labor in Oregon ['03 p.79].

Educational boards were instituted in a few cases only. A schoolbook commission was organized in Georgia ['03 p.53],

boards of law examiners in Tennessee ['03 ch.247] and Washington ['03 ch.185]. State library boards and librarians were established in Virginia ['03 ch.253 §1–18] and Washington ['03 ch.171] (reorganization), a traveling library commission in Colorado ['03 ch.140], a department of traveling libraries in Wisconsin ['03 ch.348]. There was also created a division of public records in Pennsylvania ['03 ch.135] and a commission on uniformity of state legislation in Virginia ['03 ch.109]. Under this category we might also include the State Art Society of Minnesota ['03 ch.119].

Of a scientific or quasi scientific character are the Geological and Natural History Survey of Connecticut ['03 ch.133], the Board of Examining Surveyors of Idaho ['03 p.81], the state engineers in Nevada ['03 ch.4], Utah ['03 ch.100] and Nebraska ['03 ch.105], the state entomologists of Arkansas ['03 ch.203 §2], Minnesota ['03 ch.237] and Montana ['03 ch.59], the state architect of Nebraska ['03 ch.108], the sealers of weights and measures in Idaho ['03 p.87], the commissioner of public printing in Colorado ['03 ch.152].

Military in nature are the armory commissioners of North Dakota ['03 ch.48 §2], the Board of Military Examiners of Oklahoma ['03 ch.20 §10], the adjutant general of Arkansas ['03 ch.124 §1], and possibly the Police Department of Connecticut ['03 ch.141].

Voting machine commissions were created in four states, namely, California ['03 ch.226], Connecticut (temporary board made permanent) ['03 ch.207 §1], Illinois ['03 p.178 §3] and Massachusetts ['03 ch.368] (reorganization).

Several permanent boards were organized as custodians of state property. These were the Cooch Bridge Monument Commissioners in Delaware ['03 ch.445], the trustees for Fort Massac in Illinois ['03 p.42], and the State House Commission in Rhode Island ['02 ch.1051].

Difficult of classification are the Portage Commissioners of Oregon ['03 p.108], the State Fireman's Association of South Dakota ['03 ch.24], Oregon's Board for Licensing Sailors Board-

ing Houses and Hotels ['03 p.238], and the state supervisors of naval stores in Florida ['03 ch.10] and Georgia ['03 p.77].

Temporary commissions were appointed to the number of 75. The principal purposes for which they were organized were charities and corrections, industrial conditions, health, education and finance. Twenty-four commissions were appointed to represent the states at various expositions and 18 commissions on historic spots.

This rapid multiplication of administrative machinery has not escaped notice by those connected with the official service. During the last year the governors of several states in their messages called attention to the constant growth of state boards and commissions. Governor Durbin of Indiana alluded to the increase of bureaus "at a prodigious rate, some desirable, others of small practical consequence, and still others that are next to needless." Governor Morrison of Idaho criticized the general disposition "to create new departments and officers rather than make more comprehensive and efficient those which exist." Governor Savage of Nebraska declared that "bureaus and departments have been established absolutely without any apparent justification." The principal causes for this rapid increase in the number of boards appear to be, in the first place, the general extension of state activity in new directions under the stress of modern industrial and urban conditions. It will be observed that sanitary regulations, charities and corrections, finance, and protection of miners include most of the agencies organized in 1903, and a general survey of the field would show that most of the new boards have come forward in response to the demand of the new needs arising out of the new conditions of modern life. A second cause of this development is the politician's desire to add to the "civil list" of the party by the creation of new places for political workers. In the absence of civil service regulations, this is often a powerful influence and gives a partial if not a complete explanation of many cases. Another cause worthy of mention is the trade or professional spirit which would exclude competition on the part of those

outside the craft, and hence is ready to lobby for state supervision and regulation. A combination of all three of these motives it is impossible for most state Legislatures to resist.

Abolition of boards and offices. A considerable number of boards and state offices were abolished during the past year, though small in proportion to the number of those created. In Maine the inspector general of beef and pork, the inspector of pot and pearl ashes, the state prover of firearms were abolished ['03 ch.41, 42, 51]. In New Mexico the office of oil inspector ['03 ch.3], in Connecticut the office of state fire marshal ['03 ch.141], in California the Board of Inspectors of Barbers, created in 1901 ['03 ch.151] were abolished; a few other cases are also found. These instances taken together do not in any way constitute a reaction against the overwhelming tendency to which attention has just been called.

Centralization. Centralization of power in the state government may signify the extension of the activity of the state into a sphere of private initiative hitherto undisturbed, as when the state government undertakes the licensing of embalmers, osteopaths or opticians. Or centralization may refer to the subtraction of power from the local governments and addition to the central government, as for example when the state takes from the localities the control of the insane and paupers, or when the state institutes closer supervision and control of local action. Again centralization may be taken to mean the consolidation and unification of purely state organs of government, as when a state board of control takes the place of a number of scattered and independent boards or offices. Of the entrance of the state government on hitherto undisturbed fields of private activity there are many illustrations afforded by the legislation of 1903 and allusion has already been made to the significance of this tendency. The state has also gained at the expense of the localities in many ways. Thus in California the State Board of Charities and Corrections is empowered to inspect the charitable, correctional and penal institutions of the localities; in Michigan local road officers are required by the recent act to

report to the newly created State Highway Department; in New Jersey with the creation of the Examining Board of Health Officers and Sanitary Inspectors, it is provided that the localities may not appoint health officers or sanitary inspectors unless duly licensed. Most significant of all, however, is the creation of the State Police Department of Connecticut, providing for state officers to cooperate with the local authorities, as in Massachusetts.

The consolidating tendencies in state government observed in 1901 and 1902 were not strongly marked in 1903. There are a few cases in point, but only a few and these of minor importance. In California the state commissioner of horticulture takes the place of the former Board of Horticulture and the state horticultural quarantine officer; in Colorado the state commissioner of public printing combines the functions of state printing clerk and state measurer of printing; in Connecticut the fire marshal is absorbed in the State Police Department. On the other hand there is evident a tendency to break up the unity of office in some places, and introduce an element of decentralization. Thus in South Dakota instead of one state inspector of oil the law provided for three district inspectors; in North Dakota instead of a state game warden there are henceforth to be two district wardens; in place of a state mine inspector in Wyoming there are to be three district inspectors. Furthermore, many of the new boards created are only offshoots of older boards or commissions under the jurisdiction of which they might have remained, even though the division of labor called for a functional separation.

In conclusion, the most striking changes in the general structure of state government during 1903 were the rapid growth of governmental organs, and the absence of any systematic effort to consolidate, coordinate or unify these new branches of administration. Hence, indiscriminate increase of boards, bureaus, commissions and other offices without any attempt to curb the spoils system through the civil service or to open the way to party responsibility through centralization of authority, may be given as the chief characteristic of the legislation of 1903.

LAWMAKING AND ELECTIONS

ROBERT H. WHITTEN

Among the most important single enactments of the year are the Oregon law enacted to carry out the provisions of the constitutional amendment providing for the initiative in referendum, the New Hampshire amendment providing an educational qualification for voting, and the Wisconsin law which will be submitted to vote in November 1904 providing for direct primaries and introducing other novel features in party organization. The movement to secure a constitutional amendment providing for election of United States senators by direct vote of the people has made progress and there has been considerable important legislation relative to party organization, party enrolment, primaries, voting machines and corrupt practices.

Constitutions. Connecticut is to make another attempt to revise its Constitution which was adopted in 1818. Revision through a constitutional convention having failed the Legislature has proposed a revision in the form of an amendment to the Constitution which will be referred to the Legislature of 1905 and if repassed will be submitted to the people for adoption or rejection.

Though the Constitution of New Hampshire provides for the submission of the question of calling a convention every seven years the state is still acting under the Constitution adopted in 1792. This Constitution has been amended but three times. Constitutional conventions have adopted the plan of submitting to the voters certain specific amendments rather than an entire revision of the Constitution. This was the plan followed by the convention which met in December 1902. The convention proposed 10 amendments of which four were adopted and six rejected at an election held in March 1903. The amendments adopted related to educational qualification for voting, qualifications of militia officers, taxation and combinations in restraint of trade. The example of New Hampshire in resisting the gen-

eral trend toward voluminous and frequently revised Constitutions is noteworthy. Though since the original Constitution of 1792 four constitutional conventions have been held, they have restricted their labor to the proposal of a few changes and additions to the original Constitution of a strictly fundamental character.

The governors of Rhode Island, Georgia, Michigan, Nebraska and West Virginia recommend the holding of a constitutional convention and the Legislatures of Idaho ['03 p.456], Michigan ['03 ch.32] and Nebraska ['03 ch.165] have submitted this question to vote in November 1904.

Constitutional amendments. Of the 26 amendments submitted to the people in 1903, 12 were adopted and 14 rejected. Eleven amendments referred to Legislatures of 1903 by preceding Legislatures were not repassed. Thirteen amendments were referred by the Legislatures of 1903 to succeeding Legislatures and 57 amendments were submitted to the people to be voted on in 1904

Direct legislation. Oregon has adopted an act carrying out the provisions of the constitutional amendment adopted in 1902 providing for the initiative and referendum ['03 p.244]. The form of petition and the method of verification of signatures is prescribed. The county clerk is to compare the signatures of the petitioners with their signatures on the registration books and certify the result to the secretary of state. Signatures not certified as genuine by the county clerk may be accepted on proof as to their genuineness. Any person, committee or organization filing a petition or opposing the same may furnish the secretary of state with pamphlets explaining or giving arguments for or against the proposition. These pamphlets must be furnished in numbers sufficient to furnish a copy to every qualified voter in the state. All such pamphlets are to be bound with a copy of the proposed measure and sent by the secretary of state to local officers for distribution at the time of registration to all voters registering.

The initiative may be used to propose and pass constitutional

amendments as well as statutes. Under this system a constitutional amendment may be adopted much more speedily than under the other method provided in the Constitution. A legislative resolution for a constitutional amendment must be passed by two Legislatures and voted on by the people. This procedure with the system of biennial sessions requires at least five years to secure an amendment. Under the system of the initiative a petition signed by 8% of the voters may be presented four months previous to any regular election and its adoption at that election is final. It therefore takes less than one fifth as long to secure an amendment under the new system. Massachusetts has referred to the next Legislature an amendment applying the initiative to constitutional amendments ['03 p.583]. It is much more cautious however in trusting to the new device. The amendment must be proposed by 50,000 voters, approved by 15 senators and a majority of the representatives, and adopted by a majority vote of the people at one election and by a two thirds vote at a succeeding election. Rejected amendments may not be proposed again for three years, and the amendment as proposed in the petition may be revised by the Legislature before being submitted.

Missouri has submitted to vote in November 1904 a constitutional amendment providing for the initiative and referendum ['03 p.280] and Nevada has referred to the next Legislature a similar proposal ['03 p.231]. In Nevada the Legislature of 1901 had referred to the Legislature of 1903 a proposition for a constitutional amendment providing for a peculiar form of referendum as described in last year's *Review*, but the Legislature this year substituted for this proposal one providing for the initiative and referendum similar in content to those adopted in other states.

Overlegislation and special laws. The governors of Michigan, California, Colorado, Massachusetts, Oregon, Pennsylvania, Tennessee and Utah dwell on the evils of overlegislation. During the year Oct.1, 1902, to Oct.1, 1903, 14,394 laws and resolutions were passed and of these but 5406 were general and per-

manent in character or of sufficient importance as special or temporary enactments to be included in the *Summary of Legislation*. During the corresponding year 1900-1, 14,190 laws were passed of which 5482 were included in this *Summary*. In comparing statistics of legislation odd years must be compared with odd and even with even, as some states have their biennial sessions in odd and some in even years, there being almost three times as much legislation in odd as in even years. During the last biennial period 19,984 laws were passed and this has been about the average for recent biennial periods.

North Carolina leads in the number of laws passed during 1903 with 1263 enactments. The Legislature was in session 63 days turning out an average of 20 laws a day. The Illinois Legislature on the other hand was in session 121 days and passed 226 laws or an average of less than two a day. There seems here to be little connection between length of session and number of laws enacted. The difference is caused by restrictions on special legislation contained in the Illinois Constitution. The result certainly shows great gain for the more adequate consideration of general laws. Legislators in states in which there is much special legislation complain that their time is so taken up with the consideration of the numerous special acts required by their constituents that they are unable to give due attention to important general measures.

The restrictions on special legislation contained in the new Virginia Constitution have already borne fruit in reducing the number of laws passed. The Legislature which met Dec.4, 1901, was in session 91 days and passed 694 acts of which approximately 87 were general and permanent in character. The first session of the Legislature after the adoption of the Constitution which began July 15, 1902, up to Nov.19, 1903, excluding the long adjournments taken, had been in session 203 days. During this period but 319 laws were passed of which about 123 were general and permanent in character.

Florida will vote in November 1904 on a constitutional amendment restricting special legislation ['03 p.643], and Tennessee

on an amendment permitting the Legislature to enact local road, fence and stock laws ['03 p.532]. Governor Gage of California thinks that restrictions on special legislation have developed an evil more serious than that of special laws; "while the evil that was intended to be remedied . . . was a very serious one, still the new evil of the enactment of general laws to fit special cases is more serious and it would be well for this constitutional section to be so amended as to permit necessary exceptions, thereby doing away with this injurious method of legislative evasion." There is doubtless great justice in this criticism. The codes and general laws of many states in which special legislation is prohibited are continually amended to provide for some particular case that should be provided for, if at all, by special enactments. Constitutional restriction is certainly a poor substitute for the greater self-control in these matters exercised generally by British Legislatures. Governor Odell of New York while deprecating the number of special acts, points out ways in which the Legislature may itself apply the remedy. He suggests that the numerous amendments to the game law can be obviated by a general statute according to boards of supervisors under the control of the State Forest, Fish and Game Commission, the right to adopt regulations in conformity with the general statute for their own particular localities. Governor Odell also sent in a special message to the Legislature calling attention to the numerous special bills each year validating the issue of bonds by localities and recommending that some local body be vested with power to legalize such bonds without burdening the Legislature with their consideration.

Legislative apportionment. Since the federal census of 1900, 20 states have reapportioned representation in both houses of the Legislature and 15 states in either the upper or lower branch. Inequality of representation due to disapportionate representation of the small towns is still an unsettled problem in Connecticut and Rhode Island. Governor Garvin of Rhode Island states that one twelfth of the inhabitants of the state

dwelling in small towns possess more power in legislation than the remaining eleven twelfths. Governor Chamberlain of Connecticut while maintaining that each town should forever have one representative holds that the larger towns and cities should have representation in some degree proportional to their population. Under the existing provision each town or city has not more than two nor less than one representative.

Sessions. Governor Heyward of South Carolina advocates a change from annual to biennial sessions. On the other hand Governor Terrell of Georgia testifies to the superiority of the annual session: "Annual sessions of the Legislatures have made it easy to enact new statutes as well as to amend or repeal old ones so as to supply omissions or correct defects disclosed by experience, and in consequence we have a system just, simple and in every way suited to the genius and spirit of our people."

Georgia has changed the date of the opening of its annual session from October to June ['02 p.66], and California has submitted to vote in November 1904 a constitutional amendment changing the opening of the session from January to February ['03 p.736].

Legislative procedure. In accordance with the suggestion of Governor Bliss, Michigan has submitted to vote in November 1904 an amendment repealing the limitation on the introduction of new bills to the first 50 days of the session. Governor Bliss states that the only effect of the limitation has been "to keep the Legislature practically idle for 50 days while bills are pouring into the Legislative hopper. The House and Senate journals are burdened with hundreds of titles whose only purpose is to nullify the time limit." Following Governor Durbin's suggestion Indiana has passed an act providing that bills shall be engrossed and enrolled from specially designed type selected by the State Board of Public Printing and copyrighted for the exclusive use of the state ['03 ch.125]. Governor Durbin states that "in the hurry of legislation there are frequently presented to the governor enrolled bills in which changes or erasures have been made. Such changes may be mere corrections or they may

be intentional erasures." A constitutional amendment to be submitted in California provides that each member of the Legislature shall be entitled to a private secretary of his own selection ['03 p.736].

Direct election of United States senators. During 1903, 14 states have applied to Congress to call a constitutional convention to consider the election of United States senators by direct vote. Seven of these states had already made the same application in 1901. Up to the present time 20 states have made application to Congress for a constitutional convention, 12 in 1901, 1 in 1902 and 7 new states in 1903. The Constitution of the United States provides that on the application of two thirds of the several states, Congress shall call a convention for proposing amendments. Under this provision the application of 10 more states is necessary to secure action by Congress.

An interesting legal point is raised by the fact that Florida adopted a resolution applying to Congress for a convention but later at the same session rescinded its application. The question is whether a state after once making application can afterward rescind its action. It will be recalled that New Jersey and Ohio revoked their ratification of the 14th amendment and New York of the 15th amendment. The legality of this action was not decided as ratification by these states was not needed to make the necessary three fourths. Of course in the case of an application to Congress, Congress would necessarily be the judge as to whether the application were in proper form and only in case Congress accepted the application could its legality be tested in the courts.

Suffrage qualifications. New Hampshire adopted by a vote of 28,601 to 8205 a constitutional amendment providing an educational qualification for voting consisting of ability to read the Constitution in the English language and to write. This qualification, however, does not apply to persons 60 years of age or to any person who now has the right to vote.

Governor Hunn of Delaware recommends the abolition of the registration fee as a qualification for voting saying that it has

not diminished but rather increased existing evils. In Texas on the other hand where the poll tax must be paid many months previous to the election, the results seem to have been in the main satisfactory and Governor Sayers recommends legislation to make the amendment more effective.

Woman suffrage. The New Hampshire constitutional amendment providing for woman suffrage was defeated by a vote of 13,089 to 21,788. Governor Toole of Montana recommends the submission of the question in that state, and the Legislature of Utah adopted a resolution declaring the success of woman suffrage in Utah and urging its adoption by other states ['03 p.206]. The resolution recites that "equal suffrage has been in operation since the advent of statehood during which time, women have exercised the privilege of voting generally and intelligently with the result that a higher standard of candidates have been elected for office, elections have been made peaceful, orderly and dignified, the general character of legislation improved, intelligence in political and civil and social matters much increased and . . . the women of Utah have not in any sense been deprived of any of their womanly qualities."

Party organization. The direct primary law to be submitted to the voters of Wisconsin in November 1904 contains some novel and interesting changes in party organization. The state central committee is to be elected by the candidates for the various state offices and for the Legislature nominated at the direct primary. It is to consist of two members from each congressional district and a chairman. The candidates above mentioned are also to meet at the capitol and formulate the state platform of the party.

The party precinct committee is to be elected at the primary held for the nomination of candidates. This committee consists of three members and the one receiving the largest number of votes is chairman. The party precinct chairmen of a city, county or assembly district make up the party committee of the city, county or district; the chairmen of the assembly district

committees form the state senatorial committee, the chairmen of the senatorial district committees form the congressional district committee. At meetings of the city, county and assembly district committees each precinct chairman has one vote for every 50 votes or major fraction thereof cast by his party.

The new act regulating caucuses in Providence, Newport and Pawtucket [R. I. '02 ch.1078] provides for the annual election of ward committees. The members of the several ward committees constitute the city committee. The general management of the affairs of the party is vested in its city committee "subject to the rules and regulations which the state committee" shall make.

Progress has been made in some states toward fixing a primary day for all parties. A number of states having official primaries hold the primaries of all parties at the same time and place. As yet, however, there has been no legislative attempt toward a uniform day for the meeting of the numerous kinds of conventions—ward, city, township, county, legislative, judicial, congressional and state. Governor Yates of Illinois advocates this reform. He asks why the ward and township primaries of all parties should not be on a given Monday, the county conventions on the next day, Tuesday, and the state conventions on the next day, Wednesday. He says: "It would keep every politician at home and the colonizer and walking delegate would be 'out of a job.' It would leave every township and county and ward to settle its own affairs and so give home rule. It would remove from every contest the hampering question of its effect on other contests at other times and it would compel every county to give up the unprincipled idea of joining the winner at the last moment."

Enrolment. The Massachusetts law of 1903 [ch.454] providing for joint caucuses in Boston and in other cities and towns adopting the act provides an enrolment of party members. At the first primary election held each elector is enrolled with the party whose ticket he receives. An elector may afterward change his enrolment by making personal application but such change shall

not take effect till after the expiration of 90 days. The political party enrolment of a voter does not preclude him from voting at a primary the ticket of any municipal party.

Maine provides for enrolment in cities and towns of 2000 to 35,000. An elector may enrol in any party by filing an application with the clerk of the town. The elector may change his enrolment at any time but may not vote in any political caucus within six months thereafter. Any elector not previously enrolled may enrol up to the day of the caucus and during the caucus by subscribing to an oath that he is a member of the political party, intends to vote for its candidates in the ensuing election and has not taken part in the caucus of any other party within six months. Any elector whose right to vote is challenged may be allowed to vote on taking a similar oath.

Nebraska has revised its law relating to party enrolment ['03 ch.40]. In all cities and towns in which there is registration for regular state elections provision is made at the same time for party enrolment. Each elector is asked with which political party he desires to affiliate. A special enrolment is provided for persons who are absent from the city or town at the time of registration or who are prevented from appearing by reason of sickness. Such persons must make affidavit of the reasons for failure to register and procure affidavits sworn to before the city clerk of two freeholders of the precinct or ward setting forth the facts contained in his affidavit, and in all cases where illness is given as the cause for failure to register the affidavit of some reputable physician is also required.

New York adopted an amendment prohibiting in New York city the transfer of electors from one locality to another prior to primaries. Governor Odell states that "this power of transferring has been abused in the city of New York by alliances entered into by political leaders of opposite political faith by having a sufficient number of their followers register themselves as being affiliated with the opposite political party for the purpose of influencing contests for party control or for the nomination of candidates at primaries. Of course this is only done

when the leader who desires to nominate of opposite political faith knows that he will have no contest for political control in his own district."

Party test. Legislatures have been very cautious in prescribing a definite test of party membership. It is recognized, however, that primary control can not be made effective unless some definite test is provided. The New Jersey primary law ['03 ch.345 §13] requires the challenged elector to swear that he is a member of the party, voted for a majority of its candidates at the last election and intends to support its candidates at the ensuing election. The primary law for Providence, Newport and Pawtucket [R. I. '02 ch.1075], while providing that the party committees may make additional regulations, prescribes that no person shall take part in the caucus of a political party who has taken part in the caucus of any other party within 14 months, has signed nomination papers for any elective official, or has voted in any election for the candidates of any other party or for candidates placed in nomination by nomination papers. No person who has voted in the caucus of a political party may sign a nomination paper within 14 months thereafter.

The primary law of Idaho ['03 p.360] makes it unlawful for any person to vote at a party primary who was not affiliated with the party at the last general election. Nebraska provides that no person shall vote at a primary election unless he "shall have in the immediate past affiliated with the political party holding such primary election and generally supported the candidates of such party at the last election" ['03 ch.40 §1].

Primaries. The governors of Arizona, Michigan, Vermont and New Jersey advocate greater control over party primaries. Governor Brodie of Arizona recommends that the primaries of all parties be held at the same place and on the same day and Governor McCullough of Vermont recommends that the primary election be held on the same day and hour throughout the state. In New Jersey a special commission on primary elections was appointed in 1902. The Legislature of 1903 enacted a general primary law applying to all primaries for the nomination of

candidates at the general election for members of the General Assembly ['03 ch.248]. The primaries of all parties are held on the same day and at the same place and are conducted by the boards of registry and election, the primaries being held on the first registry day. Separate official ballots are prepared for each party. Each elector must ask for the party ticket he desires to vote. Massachusetts also has provided for joint caucuses or primaries for all municipal or political parties ['03 ch.454]. The act is mandatory in Boston and the question of its acceptance is to be submitted in the other cities and towns using official ballots. Primaries are held on the sixth Tuesday preceding state elections and the third Tuesday preceding city elections except in Boston. Primaries are conducted in general accordance with the provisions of law relating to the conduct of elections.

Direct nominations. Progress toward the adoption of the direct nomination system was made in Massachusetts, New Jersey and Wisconsin. Massachusetts cautiously extends its system of direct nominations to the nominations of representatives in Congress in the 9th, 10th and 11th districts ['03 ch.450]. New Jersey applies the new system to the selection of all candidates to be voted on at the general election for members of Assembly by the voters of a single ward or township ['03 ch.248].

The Wisconsin act is to be submitted to the voters for ratification in November 1904 ['03 ch.451]. Its provisions are more thoroughgoing than those of any similar law previously enacted. It applies to candidates for all elective offices except the office of state superintendent, town, village and school district offices and judicial offices other than police justice and justices of the peace in cities. Party candidates for United States senator are also nominated by direct vote. Primaries of all parties are held on the same day at the same place and in charge of the regular election officers. Official tickets are provided, there being a separate ticket for each party and also a nonpartizan ticket on which are printed the names of persons for whom nomination papers have been filed and who are not designated as candidates

of any political party. These several tickets are fastened together and handed to each elector. The elector marks the ticket of his choice, detaches the same from the remaining tickets, folds and votes it and deposits the remaining tickets in a separate ballot box. The elector may therefore vote any ticket he chooses without a declaration of party affiliation.

The governors of Colorado, Illinois, Maine, Montana and Oregon recommend the adoption of direct nominations. Governor Van Sant of Minnesota states that after a trial of the direct primary election law in Minnesota "the consensus of opinion seems to be that the law will be a permanent method of nominating candidates for office." He suggests, however, that it would be well to consider whether it will not be wise to amend the law so that the different tickets will appear on one ballot and the voter will not be required to ask for the ticket of the party with which he desires to vote. The system here suggested is the one used in the original act applying to Minneapolis when passed in 1899, but which was discarded when the act was extended to the entire state in 1901.

Registration. The new law regulating elections in St Louis has some interesting provisions relating to registration [Mo. '03 p.170]. Each applicant for registration is required to sign his name on the registration book, or if unable to do so, to make his mark. This signature may be used as a means of identification when the voter casts his ballot. No person may vote who is not registered and registration days are seven weeks prior to the election. Any person, however, who is absent from the city at a distance of more than 50 miles or confined to his home by illness or other disability during the days fixed for registration may make personal application and be added to the list on the Wednesday of the first week prior to the election. Governor Odell of New York recommends the adoption of a provision requiring the voter to sign his name on the day of registration as a means of identification on the day of election. Governor Peabody of Colorado states that "in cities of the first class there seems to be no limit to false registration and illegal and fraudulent voting" and urges the adoption of a remedy.

Election officers. The revised law governing elections in St Louis [Mo. '03 p.170] provides a board of election commissioners consisting of three members appointed by the governor and Senate. One of the commissioners must belong to the leading party opposed to that to which the governor belongs.

Voting machines. Governor Murphy of New Jersey urges the state to purchase voting machines for the counties. He estimates that this will cost half a million dollars, but he asks, "How can the money of the state be so well used as in providing a means by which the corruption of the ballot is made impossible?" The Legislature made a beginning by authorizing the State Board of Voting Machine Commissioners to purchase voting machines with the consent of the governor and to define their location and use [['03 ch.171] and appropriating $50,000 for this purpose. Governor Durbin of Indiana recommends the use of the voting machine in order to correct the evil of defective ballots and the resulting disfranchisement of a large number of voters. The Legislature passed an act making obligatory the use of voting machines in counties containing a city of 36,000 [['03 ch.154]. Governor Pardee of California, also, suggests that the voting machine may remedy the evil of defective ballots. California and Illinois adopted acts [['03 ch.226] regulating the use of voting machines and creating a state voting machine commission [Cal. '03 ch.226; Ill. '03 p.178]. Massachusetts revised its law relating to voting machines and created a board of voting machine examiners [['03 ch.474].

Corrupt practices. Kansas is added to the list of states that have in recent years repealed their corrupt practices acts ['03 ch.230]. Virginia on the other hand has adopted an act ['03 ch.98] providing that candidates for party nominations and for public office shall make a return of expenditures. The act also limits the purpose for which expenditures may be made as follows: "No candidate . . . shall expend, pay, promise, loan or become pecuniarily liable in any way for any money or other valuable thing to influence voters in his behalf or permit the same to be so used with his knowledge and consent by his

friends or adherents in any election, primary or nominating convention; provided, however, that no expenditure made by any candidate or his adherents and friends for the purpose of printing or advertising in . . . newspapers or in securing suitable halls for public speaking at a reasonable price shall be deemed illegal." Vermont adopted an act ['03 ch.6] limiting expenditures of candidates for party nominations. The act also makes it unlawful for the publisher of a newspaper or other periodical to receive compensation for the support of any candidate, and limits the expenditures of the candidate to certain personal expenditures directly incurred and paid by him, such as traveling, distributing circulars and pamphlets, and stationery, postage and messenger service. Governor White of West Virginia recommends that candidates shall be required to submit statements of expenses. He also recommends that any man selling or offering to sell his vote shall be disfranchised and suggests that if the bribery law were amended so as to fix a severe penalty on the seller and not on the buyer, it would result in more convictions. Governor Garvin of Rhode Island sent a special message to the Legislature calling attention to the extent to which bribery is practised in the state and urging the Legislature to empower the governor to appoint a commissioner to serve for three years whose duty it shall be to employ agents to enforce the laws against bribery. He states that in some towns bribery takes place openly and is not considered a serious matter. "The money paid to the voter, whether $2, $5 or $20, is spoken of as a payment for his time."

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CRIMINAL PROCEDURE[1]

J. FRANKLIN FORT, JUSTICE OF THE SUPREME COURT OF NEW JERSEY

Legislation in the several states on the subject of criminal procedure for 1903 was quite extensive, and some of it quite novel.

Extradition of criminals seems to be engrossing the attention of state executives and Legislatures to a considerable extent. Governor Jelks of Alabama calls attention to this subject in his message and suggests that such expenses are not a fair burden for the state treasury and that local or county authorities ought to bear them. Statutes in two states make provision for extradition officers and the limitation of their expenses.

Several states enacted laws providing for the execution of persons convicted of offenses punishable with death, in the State Penitentiary [see *Summary of Legislation,* 228]. These show the trend of legislation to be for the promotion of quiet and orderly executions, and to prevent the congregation of curious and idle persons on such occasions. Governor Chamberlain of Oregon in his message recommends that all executions should take place within the penitentiary, out of hearing and out of sight of all except officials.

There was considerable legislation on the subject of rewards for conviction of offenders and Governor Chandler of Georgia, Governor Otero of New Mexico, and Governor Ferguson of Oklahoma call attention to this subject in their messages.

Governor Chamberlain of Oregon in his message [14 Ja '03] calls attention to the empowering of district attorneys to file an information in lieu of an indictment by a grand jury, as resulting

[1] *See also* Governors Messages and Summary of Legislation, 202.

in a great saving to the taxpayers. There appears to be a growing sentiment and tendency for a constitutional amendment, or legislative authority where constitutions now permit, to do away with indictment in the minor grades of criminal offenses. Statutes have been passed by several states looking to this end, and a constitutional amendment is pending in Michigan, which if adopted will permit legislation in this direction.

In 1902 New York passed an act relating to witnesses residing in that state being subpoenaed there to appear at trials in other states. Governor Stickney of Vermont calls attention to this subject and suggests reciprocal legislation; and Connecticut enacts a statute permitting, in criminal proceedings, service of process on its citizens, to attend in any of the New England states. In view of the fact that by the Constitution defendants must be confronted with the witnesses in criminal cases, this class of legislation is quite essential, as depositions in criminal cases can not be taken by the state to be used against defendants, hence the importance of compulsory process to bring into a jurisdiction a witness who can not be otherwise obtained.

Another subject on which a decided trend of legislation is shown, is the limitation of the expense to the state or counties in employing an attorney for the defendant in a criminal case where the defendant is indigent. In the higher grades of crime counsel should be assigned by the court, but the expense should be properly limited, to prevent any abuse of this right.

An examination of legislation in 1903 seems to show a tendency to enact laws in the interest of the defendants, and to make a review of a conviction more easy and the escape of the offender more probable. This is probably due to the zeal of the professional defenders of criminals. They have two motives; the hope of ultimate success, if they can keep the matter in the courts long enough, and an increase in the remuneration incident to such renewed effort if the offender be able to pay, or the state provides compensation therefor. This class of legislation is unfortunate.

The following is a more detailed review of the laws of the year:

Apprehension. Nebraska ['03 ch.140] provides for service on a corporation, by summons returnable in three days. The sheriff

may serve in any county of the state on the officer named in the statute.

New York ['03 ch.614] provides for immediate taking before magistrate and bail of arrested **railroad employee** charged with criminal negligence, and limits bail to be required to $1000.

Virginia ['03 ch.159] provides for breeding **bloodhounds** at the State Penitentiary, to be kept for use by the sheriff of any county on the order of a Circuit Court or board of supervisors.

Delaware ['03 ch.334] requires a license from the Court of Quarter Sessions to permit a person to engage in the business of a **detective.** The fee is $75; the license is for three years, and the detective is bonded to indemnify against unfaithful or illegal acts. This is a good law to eliminate irresponsible detectives.

The subject of **rewards** for the detection of criminals is a vital one in these days. Kansas ['03 ch.407] enacts that county commissioners may offer rewards for alleged lynchers. Minnesota ['03 ch.158] increases from $50 to $200 the reward paid by the state for the apprehension of horse thieves. New Jersey ['03 ch.28] authorizes counties on request of prosecutor of pleas, approved by a justice of the Supreme Court or judge of Common Pleas, to offer a reward not exceeding $500 for apprehension of any person guilty of murder, burglary, robbery, arson or other crime; to be payable after conviction.

Bail. Delaware ['03 ch.455] makes original bail taken on the complaint good till final judgment, unless bondsman surrenders prior thereto. No person under bail can be put in prisoners box to plead or during the trial.

Florida ['03 ch.33] requires all bail bonds to be approved by the sheriff, county judge or justice of the peace, both before and after preliminary hearing.

Maine ['03 ch.124] authorizes bail commissioners to admit to bail before trial any person confined and fixes fee therefor at $5. The same state ['03 ch.125] permits the bailing authority to require the surety to give a written statement, signed and sworn, as to his property and the details of encumbrances thereon.

Massachusetts ['03 ch.226] authorizes a defendant to surrender himself before default and provides that the cash bail may be refunded on order of the court.

New Hampshire ['03 ch.28] permits bail by sureties, or deposit of money equal to bail required.

Tennessee ['03 ch.48] makes it a misdemeanor for an attorney to sign a bail bond as surety in any criminal court. This is a wise and salutory law. The same state makes a bail bond once entered into for the defendant's appearance valid and binding from term to term till the case is finally determined; no defect in the bond is to avoid it.

Utah ['03 ch.70] authorizes mayors of cities to appoint bail commissioners from the police force, to bail on certain days and after certain hours, in cases of misdemeanor and ordinance violations occurring within the city limits. The object of this act is to permit persons arrested to give bail when courts are not in session, or judges are absent.

Virginia ['03 ch.198] empowers the Circuit Court to appoint bail commissioners. This state ['03 ch.214] also provides that the committing justice may admit to bail, in cases not punishable with death or confinement in the penitentiary, or where, if so punishable, "only a light suspicion of guilt falls on the accused." If the accused is committed to jail the Circuit Court or a judge thereof may admit him to bail. Bail commissioners are given the same power as circuit judges by this act. If bail fixed is deemed excessive, provision is made for review and reduction of the order of bail on petition, by the Supreme Court of Appeal or a judge thereof.

Wisconsin ['03 ch.159] requires the parties (at least two) to be worth, over liabilities and property exempted by law, the amount of the bail required; but the "judge may allow more than two bail to justify severally in amounts less than that expressed in the order, if the total justification be equivalent to that of two sufficient bail."

Extradition. Minnesota ['03 ch.140] authorizes the governor to appoint sheriffs as extradition agents, to demand of the executives of other states the return of fugitives from justice; no demand to be made unless the attorney general reports a proper case; agent to receive $4 a day from the county.

Nevada ['03 ch.108] authorizes the county to pay expenses of returning fugitive from justice guilty of felony, but only when the county commissioners shall have first consented to the extradition.

Limitations. Delaware ['03 ch.468] limits time for prosecution for treason or other capital offense, wilful murder excepted, to three years, and for other offenses to two years.

Indiana ['03 ch.157] extends the time for prosecutions for forgery or uttering forged instruments to two years after the complete maturity of the instrument.

Prosecutions. Minnesota ['03 ch.269] submits to the people in November 1904 an amendment to the Constitution providing that no person shall be held to answer for a criminal offense *without due process of law*. The present Constitution requires presentment or indictment by the grand jury. The purpose of the proposed amendment evidently is to permit the Legislature to abolish the grand jury system.

New Jersey ['03 ch.172] provides for a second grand jury in any county of 250,000 inhabitants, to be drawn at the end of six weeks after the opening of the court, unless the court orders the sheriff to refrain from drawing such second grand jury.

Virginia ['03 ch.25] amends its law so that grand jurors shall be selected from "male citizens." The language of the previous statute limited the selection to "qualified voters."

Wisconsin ['03 ch.90] requires the jury commissioners to select the grand jurors. In November of each year they are to select not more than 150 persons qualified for jury duty and file the list with the clerk of the court. The names of all persons selected are placed in a box and 17 names drawn by a child under 10 years of age. No person can serve oftener than once in three years. The grand jury is authorized on the order of a judge to employ a stenographic reporter to report its proceedings. The report shall be deposited with the attorney general or district attorney of the county.

Criminal trials. Connecticut ['03 ch.122] prohibits allowances to be made to attorneys retained or employed to defend persons

charged with crime; but in cases punishable with death or life imprisonment, the state's attorney may, if in his opinion the accused is without means or unable to employ counsel, apply to the court or judge to appoint an attorney to defend him.

Georgia ['02 p.59] authorizes the Superior Court on notice to transfer an indictment to the county judge or City Court for trial.

Montana ['03 ch.33] reduces the amount the court may allow a counsel for defending a prisoner in capital cases from $100 to $50; other felony cases from $50 to $25; all other cases from $25 to $10.

Virginia ['03 ch.134] authorizes a justice taking a complaint to associate with him not exceeding two other justices. The majority opinion prevails.

Wisconsin ['03 ch.273] empowers the court to appoint a counsel for each prisoner destitute of means and direct by order a reasonable compensation not exceeding $15 a day for each day of trial and $10 a day for not exceeding two days for preparation for trial.

Venue changes. Indiana ['03 ch.187] provides that the county from which the change of venue shall be made shall pay all the costs of the trial incurred by the county to which the trial on the indictment is removed.

Oklahoma ['03 ch.25 art.1] authorizes a change of the county of trial in a criminal case where it appears that the inhabitants of the county in which the cause is pending are so prejudiced against the defendant that a fair and impartial trial can not be had therein. The application is to be by petition supported by affidavits of at least three credible persons resident in the county. The county attorney may introduce counter affidavits and examine witnesses in support of the application in open court. A change of judge shall be ordered if the presiding judge is shown to be biased, of kin or otherwise interested. Only one change of county or judge can be made.

Evidence. Arizona ['03 ch.25] introduces a new feature into the rules of criminal evidence by providing that only oral examinations of witnesses or persons accused of crime shall be made, except in homicide cases or on demand of prosecuting attorney when the testimony must be reduced to writing by the magistrate. If the prosecuting attorney so requires, the examination in other

cases shall be taken by a shorthand reporter. The notes are to be transcribed and filed with the clerk of the court with the original notes. The stenographic report of the evidence of any witness may be read on a trial of the defendant either on behalf of the territory or the defendant if the witness is (1) dead, (2) insane, or (3) out of the jurisdiction of the court. The deposition so offered is subject to same objection as if witness were testifying.

Connecticut ['03 ch.87] authorizes a justice of the peace, on receipt of a certificate from a clerk of a court of record of any other New England state that a resident of Connecticut is a material witness in a criminal prosecution therein, to issue a summons for such witness to appear and testify. A witness fee of 10 cents a mile is to be tendered with summons.

Oklahoma ['03 ch.25 art.2] adopts a form of subpoena for all criminal cases and enacts that all witnesses summoned shall take notice of continuances and remain in attendance till discharged by the court.

Virginia ['03 ch.22] compels testimony of witnesses in bribery cases and relieves witness from prosecution for bribery for any bribe offered, given or accepted by him prior to such prosecution; the court may imprison for six months for refusal to testify.

Florida ['03 ch.25] fixes witness fees in criminal cases at $1 a day and 5 cents a mile to and from place of trial.

New Jersey ['03 ch.116] requires sheriff to pay all witness fees in criminal cases for state witnesses before leaving the court, and also for the defendant if the court so order.

Utah ['03 ch.8] prohibits witness fees being paid to any officer of the United States, or of the state, county, city or town, who is receiving a salary in excess of $500.

Appeals. Arizona ['03 ch.30] requires the clerk of the trial court, where appeal is taken by one unable to pay, to send up record free and a transcript of the evidence at the expense of the county. No order of the judge is required, simply an affidavit of the defendant that he is "wholly unable to pay."

Colorado ['03 ch.95] enacts that in all convictions for felony the trial court shall grant not exceeding 60 days' stay to permit application to Supreme Court for a supersedeas and to have

cause reviewed. Pending such stay defendant remains in custody of sheriff.

Florida ['03 ch.24] passes an act relating to de novo trials in certain criminal cases in the Circuit Court on appeal from inferior tribunals.

Maine ['03 ch.171] requires appeal from a magistrate within 24 hours to stay commitment. The same state ['03 ch.185] prohibits a magistrate demanding any fee except for copies and entry fee in appellate court.

Pennsylvania ['03 ch.180] provides that the Supreme Court, on petition based on after discovered evidence showing substantial doubt of the guilt of one convicted of murder in the first degree, may authorize the Court of Oyer and Terminer to grant rule for new trial *nunc pro tunc* after the expiration of the term at which conviction and sentence was had, and thereupon the court may hear the rule; if the court discharges the rule that ends the matter; if the court thinks that justice requires new trial, the prisoner may bring the opinion together with the evidence to the Supreme Court as if on appeal. If the latter court concurs it may authorize the former court to make new trial absolute.

Utah ['03 ch.49] requires written notice of motion for new trial within 60 days after verdict.

Fines and costs. Delaware ['03 ch.469] authorizes imprisonment for one year for nonpayment of fine and costs.

Florida ['03 ch.26, 27] requires county to pay all costs where defendant is insolvent or discharged, if not more than two witnesses are called to prove any fact. Forfeited bail bonds and recognizances are to be paid into the fine and forfeiture fund of the county and monthly reports made by all justices of the peace, clerks, Circuit Courts, and county judges. County commissioners shall report defaults to the governor who may suspend from office therefor. County commissioners may withhold fees or costs due to such officials till collections are made or satisfactory excuse given [Fla. '03 ch.50].

Kansas ['03 ch.483] requires relatives if able to pay costs of commitment of any person to State Industrial School for Girls, and the judge to appoint female attendant if no relative accompanies officer with person committed.

Minnesota ['03 ch.49] provides for disbursement of costs accruing in each criminal cause or examination brought before municipal courts in cities under 5000. This state also ['03 ch.204] establishes a contingent fund for the use of the county attorney. It is not to be less than $100 or more than $1000 and to be used for necessary expenses not otherwise provided for. Itemized statements of such expenses, duly verified and approved by the judge shall be paid out of this fund.

North Dakota ['03 ch.65] provides for issuance and service of process in unorganized counties by officers of organized counties and the payment of the expense thereof out of the treasury.

Tennessee ['03 ch.300] imposes all the costs of the case on a prosecutor who settles an embezzlement or breach of trust matter and fails to appear and prosecute.

Sentence and execution. Kansas ['03 ch.389] authorizes the trial court or the judge thereof in misdemeanor cases, on defendant giving bond, to stay for 90 days till appeal be filed; if then filed the stay continues till case is disposed of. In felony cases the time of stay for perfecting appeal is fixed by the trial judge or a justice of the Supreme Court on giving a required bond. While perfecting appeal defendant is in custody of sheriff unless otherwise ordered. Taking of an appeal stays a fine and costs judgment.

New Jersey ['03 ch.58] enacts that all the terms of detention in county jail or other place pending writ of error shall be deducted from the period of the sentence.

New Mexico ['03 ch.76] requires executions to be conducted in an inclosure to be erected for the purpose and in the presence of not exceeding 20 persons, including physicians, clergymen and press representatives.

North Dakota ['03 ch.99] enacts a comprehensive statute for executions. It provides that the death penalty shall be inflicted by hanging by the neck in an inclosure erected for the purpose within the walls of the North Dakota Penitentiary. All executions must be fixed by the trial judge not less than six or more than nine months after judgment and shall take place before sunrise on the day named. The act regulates proceedings in case

convict becomes insane, or condemned female is pregnant, and designates the witnesses that may be admitted to the execution.

Oregon ['03 p.66] adopts a law quite similar to that of North Dakota. It requires executions to be conducted in the State Penitentiary by the superintendent within 30 days after judgment. Penalty is inflicted by hanging by the neck.

Washington ['03 ch.35] enacts that in felony cases, if no appeal be taken, the term of sentence shall run from the date of judgment, if appeal be taken, from the date of filing remittitur of affirmance in lower court.

Wyoming ['03 ch.13] requires clerk of the court in which a person is convicted to furnish the State Board of Charities and Reform a copy of mittimus of sentence and the warden of the penitentiary to furnish the board in writing, the name, date of sentence and commitment, nature of crime and term and place of confinement. The sheriff of county must furnish the warden with age, sex, color, religion, nativity and ability of convict to read and write.

Jury. Colorado ['03 ch.135] requires the jury in all convictions of crime in a justice's court to fix the punishment by its verdict.

Minnesota ['03 ch.196] entitles state to 10 peremptory challenges and the defendant to 20, in cases punishable by death or imprisonment for life; in other cases the state and defendant are entitled to 3 and 5 respectively.

Criminal jurisdiction. Arkansas ['03 ch.168] confers power on Circuit Court or a judge thereof by writ of prohibition to prevent inferior courts from exceeding their jurisdiction.

New Hampshire by constitutional amendment has given police courts jurisdiction to try and determine, subject to appeal and trial by jury, criminal offenses not punishable by imprisonment in state prison.

Vermont ['03 ch.46] permits any magistrate when a person is charged with an offense beyond his jurisdiction, on the defendant's waiver of examination, to commit him for trial by the County Court.

CRIMES AND OFFENSES

SAMUEL J. BARROWS, UNITED STATES COMMISSIONER, INTERNATIONAL PRISON COMMISSION

An annual review of criminal legislation in the United States inevitably reveals two things. First, the effort of legislators to extend the area of protection to society by new prohibitions, or by new penalties attached to old offenses; second, the utter confusion in distributing penalties and the lack of any fundamental principle by which deterrent or punitive values can be determined. Much of our criminal legislation seems to be a game of blind man's buff. Legislators grope round vaguely in their efforts to paste a label on the offender before they can catch him. A part of the skill of the offender consists in eluding the law as well as the police. So long as the present system prevails of trying men for specific acts there will be need for exact definition of offenses, and as society continues to develop and becomes more complex the categories of offenses will be swelled by new denominations of felonies and misdemeanors. This creation of new offenses goes on in some of our Legislatures with great industry. It is not possible to tell without accurate police and judicial statistics how far these new laws for the protection of property and other interests represent the foresight of legislators holding up threateningly an aegis of penalties to deter possible offenders and how far they are the result of reactions against offenses already committed.

It is not surprising that this modern tendency, specially prevalent in this country, of creating new crimes and attaching heavy penalties to light offenses should have engaged the attention of Governor Pennypacker of Pennsylvania, who in his message of Jan. 20, 1903, said:

> The modern tendency to invent new crimes ought to be curbed. To obliterate the marked line which distinguishes between mere breaches of contract and crimes is to bring the law itself into disrepute. To threaten with imprisonment him who has filled a bottle intrusted to him, the contents of which he has bought, or

him who sells a railroad ticket, the evidence of a right of transportation for which he has paid, is no doubt a convenience to corporations and others enforcing their contracts, but it takes from the prison much of its effect as a restraint on those who do evil. Juries refuse to convict where they believe the charge ought not to be sustained, even though the facts come within the terms of a statute, and thus men are taught to disregard the law . . .

Crimes against the government

Anarchy. The dangers of anarchy and the need of legislative action with reference to it was the subject of messages from the governors of Connecticut, New Mexico and Utah. Legislative action on this subject was taken in four states: California, Connecticut, Washington and Wisconsin. In California it is made a felony to conspire to commit any crime against the person of the president or vice president of the United States, the governor of any state or territory, any United States justice or judge, or the secretaries of any of the executive departments of the United States. It is likewise made a felony to attempt to kill any of the persons named above, and the penalty in either case is not less than 10 years' imprisonment ['03 ch.55].

In Connecticut the new law is limited to three lines: "Every person who shall wilfully and maliciously attempt to cause the death of the president of the United States or of any foreign ambassador accredited to the United States shall suffer death" ['03 ch.106].

The law in Washington on the other hand embraces a definition of criminal anarchy which is identical with that adopted in New York '02 [ch.371]: viz "Criminal anarchy is the doctrine that organized government should be overthrown by force or violence" [Wash. '03 ch.45]. It is likewise as in New York made unlawful to teach or spread such doctrines or to organize societies for their propagation and the penalty is also the same, a fine of $5000 or imprisonment for 10 years.

The Wisconsin law ['03 ch.343] is identical in text and penalty with that of Washington, but it goes beyond it and follows the New York law in imposing a penalty for permitting premises to

be used for assemblages of anarchists, which penalty is imprisonment in the county jail from three months to one year, or a maximum fine of $100 or both. In the New York law for 1902 the penalty is a maximum of two years' imprisonment or a $2000 fine or both.

Bribery. The new Nevada law ['03 ch.106] declaring any form of bribery a felony is interesting because of the great pains taken to define bribery and to hunt down the offense under whatever disguise it may assume. Any form of remuneration whether a money gift or payment, release of debt, payment of board, lodging or transportation, furnishing food or clothing, promising or giving employment, increasing or maintaining wages, promising appointment to any public office or position either for the voter or for any other person or swapping votes for candidates, may constitute bribery; and the voter, delegate, or member of the Legislature who accepts any such consideration is considered guilty of bribery together with the person making the offer. It is likewise made bribery for a candidate for the United States Senate to pay the campaign expenses of a candidate for the Legislature or for a candidate to accept such payment. It is also declared to be bribery for an employer to threaten an employee with loss of employment if he votes or fails to vote for a certain candidate or measure. The penalty for these various forms of bribery is imprisonment from 1 to 11 years and forfeiture of office. It would be interesting to know why the maximum is made 11 instead of 10 years in usual deference to the decimal system.

In Oklahoma the new law ['03 ch.13 art.1] is less specific in definition, but the penalty for corrupt voting is from 10 to 20 years together with disfranchisement.

Desecration of flags. Governor Otero of New Mexico in his message strongly recommended the passage of a law imposing a severe penalty for desecrating the American flag by using the same for advertising purposes. Agitation on this subject has been going on in various states for several years. In 1903 Delaware, Missouri, Nebraska, New Mexico, New York and Utah passed such

laws. These laws are identical in Delaware, Missouri, Nebraska and Utah, and in New York a previous law on this subject has been amended so as to conform to the text used in the states mentioned. New Mexico has an independent and less carefully constructed law ['03 ch.63].

Crimes against public order and security

Concealed weapons. An endeavor to extend the area of prevention in offenses against public order and security resulting from the use of weapons is the subject of two governors messages and of laws in seven states. Governor Jelks of Alabama in speaking of the carrying of concealed weapons says: "The habit may be decreasing in Alabama. I have not seen the statistics of convictions. If decreasing at all, the reform has not been of such magnitude as to attract attention. The only fault I find with the law is in its execution. As we progressed in other respects, the thoughtful and law-abiding have looked forward to a day when the carrier of a deadly weapon would meet a public opinion ready to consign him to a year or more in the state penitentiary. As it is, if he has money, he can pay out in any county in the state except one ..."

Governor Durbin of Indiana says: "I am convinced that there is a need for legislation looking to the licensing of designated officers to carry revolvers and prohibiting the sale thereof to other persons. Highwaymen, footpads and burglars can freely purchase revolvers, and yet by law we make it a felony for them to carry the same. We must strike at the root of the evil and regulate the sale as well as the carrying of such weapons ..."

Florida amends its laws so as to grant licenses to carry firearms "to such persons only as are 21 years of age and of good moral character." In Kansas the maximum penalty for carrying concealed weapons is a fine of $100 or three months' imprisonment in the county jail ['03 ch.216]. In Montana the penalty is $25 to $200 or imprisonment from 10 to 30 days or both. The penalty for carrying weapons in public assemblies of any kind is from $50 to $500 unless permission is given by a district judge. But the provisions of the act are not to apply to any county which the

governor may designate by proclamation as a frontier county and liable to incursions by hostile Indians ['03 ch.35]. It is also made a misdemeanor for an Indian to carry firearms while away from a reservation. Nebraska has a penalty of 30 days or fine not exceeding $100 for the first offense, and three months' imprisonment and the same fine for the second offense with a reservation in favor of persons employed in any lawful business or calling which would "justify a prudent person in carrying the weapon." In Nevada the penalty is from $20 to $500 and 30 days to six months imprisonment. South Carolina, anticipating the suggestions of Governor Durbin of Indiana quoted above, adopted in 1901 an act to regulate the manufacture, sale and carrying of pistols, which was made more stringent in 1902. It was made unlawful for any one to carry about the person whether concealed or not any pistol less than 20 inches long and 3 pounds in weight, and it was made unlawful to sell or offer for sale such a pistol. The law was still further amended in 1903 [ch.86] so as to prohibit the lease, rent, barter, exchange or transport of such pistol. But more notable is the increase in the penalty formerly $100 or 20 days' imprisonment to a maximum fine of $1000 or two years' imprisonment.

Disorderly conduct and vagrancy. Wisconsin ['03 ch.138] confers on cities the power to enact ordinances for punishing by fine or imprisonment persons engaged in fighting or using language tending to any breach of the peace, provided that the penalty imposed by the ordinance shall not exceed that imposed by the statutes of the state for the same or similar offenses. The objection to such laws is that they tend to variation and mutiplication in local penalties when it would seem that breaches of the peace could better be defined under a state law administered by local courts.

Arkansas has decided to work vagrants on public roads. California extends its definition of vagrancy to include various forms of idleness. The definition of vagrancy now in many states has become sufficiently specific to cover the multifarious forms in which idleness may exhibit itself and the various vices which go with it. But New York differs from many other states in includ-

ing children between the ages of 5 and 14 who are truants from the public schools. The new law of Oklahoma includes strolling fortune tellers or persons exhibiting " tricks " not licensed by law; also professional gamblers or " tin horn " gamblers.

The definition of a vagrant, however, in many states is not sufficiently comprehensive to include a tramp, who has a legal status of his own and is honored with a distinct definition, but it will be found that the definition of vagrancy in certain states is almost identical with the definition of tramp in other states. Thus in New York a person who wanders about begging or receiving alms is a tramp, while in California he is declared to be a vagrant. In New York a tramp is, as the name suggests, a wanderer, but in these days tramps have largely given up wandering because it is much easier and cheaper to ride than to walk. Spurning the etymologic distinction and paying more attention to the ethical, the state of Vermont last year enlarged its definition of a tramp ['02 ch.120] to include a person who rides or attempts to ride on any railroad freight train or engine without the consent of the persons in charge of the train. But will this definition cover the " tramps " who ride on the trucks of passenger cars?

In New Jersey the law is so amended that disorderly persons may be sent to the penitentiary as well as to the common jail. It would be a distinct gain in most states if imprisonment at hard labor in penitentiaries were substituted for idleness in county jails.

Crimes against persons

In the *Review* for 1901 and 1902 attention was called to the alarm throughout the country created by a notable case of kidnaping in Nebraska to obtain a ransom from a wealthy father. The alarm and indignation thus awakened resulted in the passage of laws in 24 states in 1901 and in five states in 1902. No laws were passed on this subject in 1903.

Homicide. Governor Savage of Nebraska urged the Legislature to " place Nebraska among states representing the highest types of civilization and the teachings of the meek and lowly Nazarene " by abolishing capital punishment which is now imposed on con-

viction of murder in the first degree. No action has yet been taken in Nebraska in response to the message, but in New Hampshire the death penalty for murder in the first degree has been abolished unless the jury affix the same to the verdict. Otherwise the sentence is for life imprisonment. In Washington the penalty for murder in the second degree, the maximum of which was formerly 20 years, has been extended to life imprisonment.

Assault. In Florida the maximum fine for assault and battery has been reduced from $1000 to $500. The term of imprisonment is limited to six months in the county jail at hard labor, a sentence which it would be hard to enforce in New York, where labor in jails is almost unknown. In Texas ['03 ch.104] the penalty for assault with intent to kill, formerly seven years, has been changed from 2 to 15 years, and if the assault be made by lying in wait or by shooting into a private residence, the punishment shall be double.

While malicious shooting is thus dealt with in Texas, hunters in pursuit of game in Michigan ['03 ch.121] are warned against the negligent or careless shooting of human beings by a new law to which a penalty of 10 years' imprisonment or a $1000 fine is affixed. In South Dakota it is made a misdemeanor for a minor under 15 to use firearms without consent of parents or guardians. And it is made unlawful for the latter to allow minors to use the same within 1 mile of a municipality.

Crimes against property

Laws under this head make up the bulk of the new laws or amendments in criminal legislation during the last year. The political economist as well as the penologist can trace the development or extension of new conceptions of property or value. Attention was called last year to the new commercial value of the raising of ginseng for the Chinese market, which was recognized in Kentucky in 1892 in the passage of a severe law against trespass on ginseng grounds. The offense in that state is made a felony with a penalty of from one to three years' imprisonment in the penitentiary. New York ['03 ch.332] is not to be outdone by Kentucky, but has approached the matter in a different way

by defining the word "building" in a chapter of the Penal Code [§ 504] relating to burglary so as to include "inclosed ginseng gardens." The stealing of ginseng from such a garden constitutes burglary in the third degree, the penalty for which is imprisonment not exceeding five years.

South Dakota has increased the penalty for burglary in the second and third degrees to a maximum of 15 (formerly 10) years imprisonment in the second degree and five in the third.

Six of the Western states have passed laws for the protection of liverymen and hotel keepers.

Thirteen states passed laws relating to interference with electric wires, or to the diversion of the electric current, or wanton injury to electric, gas or water meters. In Idaho ['03 p.341] the penalty is a maximum of 10 years' imprisonment and a maximum fine of $500. Minnesota ['03 ch.48] on the other hand has concluded that the penalty of five years or $500 fine imposed in her law of 1897 is too severe, and has reduced the fine to a maximum of $100 and imprisonment of 90 days in the county jail. This is a striking example of divergence in penalties in different states. Washington ['03 ch.112] like Minnesota has reduced the penalty, which was formerly a maximum of 10 years in the penitentiary, to a year in the county jail. The fine "not exceeding $500" remains the same. In Montana the maximum imprisonment is one year in the county jail. In North Carolina it is made a misdemeanor to cut or fell any tree or any limb or branch therefrom in such a manner as to cause the same to fall on any telephone wire or electric light wire from which any injury to such wire shall be occasioned. The penalty is $50 for each offense, to be paid to the county school fund.

Four states have passed laws relating to embezzlement. West Virginia has declared misappropriation of public funds to be larceny.

Trespass. Malicious mischief. Thirteen states have passed or amended laws relating to trespass or malicious mischief. In Connecticut the law is amended so as to prohibit trespass in "hunting wild bees." Florida ['03 ch.147] in addition to increas-

ing the penalty for trespass has adopted an extraordinary penalty for maliciously cutting, breaking down, marring or injuring fences. The punishment, which was formerly six months and $100, has been raised to a possible 10 years' imprisonment in the penitentiary and a maximum fine of $10,000 or by both fine and imprisonment at the discretion of the court. Marring or injuring a fence in Florida is apparently regarded as more flagrant than marring or defacing a book, picture or painting in a Maine public library, for which the maximum punishment is imprisonment for three months or a $50 fine. In Montana malicious injury to fences is punishable by a fine of $25 to $200 or imprisonment 30 days to 6 months or both.

Larceny. It would seem that the time might come when it would be possible to have some general designation of property sufficiently broad to cover every kind of ownership, but at present the reviewer of criminal legislation is constantly impressed with the large amount of legislation necessary to protect specific forms of property, because the specific offense has not before been catalogued or defined in the criminal code, or a change in the conception of the gravity of the offense compels a new classification. An act which was formerly a misdemeanor becomes a felony. The application of the indeterminate sentence would do away with the necessity of a minute classification of penalties and simplify the classification of acts which are deemed harmful to society. The proverbial logic of a thief that he might as well be punished for stealing a sheep as for a lamb is justified by a new law in Florida in which the larceny of sheep or lambs is alike punishable by imprisonment in the state prison at hard labor from one to two years. It is not clear why sheep should require a special law for their protection, or why they should not be all included in a general designation of live stock or hoofed animals. Kansas under some such view of the case has just introduced goats in its section on grand larceny, which already includes horses, mules, neat cattle, sheep and hogs, and it has inserted in the same list of valuables, domestic fowls taken in the night. The businesslike thief in Kansas can steal a sheep at night without

incurring the risk of a greater penalty than if he took it in the daytime, but he must take domestic fowls before sundown, when they have presumably gone to roost, or he will be guilty of grand larceny.

Any one running over our larceny laws can form a very good conception of the multiplicity of interests and of property in the United States. Not only Cain and Abel, but Tubal-Cain, the farmer, the engineer, the miner, the forester, the purveyor of water, electricity or gas, the tradesman and manufacturer are all represented and protected in new or amended laws. There are laws against embezzlement, against stealing ore from the mine, grain, cotton or vegetables from the field, or cotton waste stuffed into the journal box of a locomotive or the packing of brasses for the same. The description of one form of larceny in Minnesota ['03 ch.278], that of pilfering grain or flaxseed, is very specific. The prohibition not only covers the thief who takes off grain by the bushel, but covers the thief who "sweeps any railroad car while in transit or standing on any railroad track in the state"; and "on the trial of any defendant charged with violation of section 1 of this act, it shall not be necessary to show that the defendant is not in the employ of the railroad company or acting under its authority in doing the acts complained of, but the fact of the sweeping of any car shall be prima facie evidence that such sweeping is a violation of section 1 of this act. But the defendant may prove as a complete defense that he was the owner of the property taken or his agent, or that he was in the employ of the railroad company having charge of the car swept." The penalty is a maximum fine of $100 or imprisonment 90 days or both.

A question to be discussed by the jurists of the next International Prison Congress is whether the receiving of stolen goods shall be treated as accessory to the larceny of the same or as a separate offense. Some of our states have not quibbled long over this distinction; they take a common sense view that the receiver is as bad as the thief. Colorado ['03 ch.146] includes the thief and the person who buys or receives ore taken fraudulently in the

same condemnation, designates both offenses as grand larceny and makes the punishment for either 1 to 10 years in the penitentiary.

Robbery. Georgia has amended its definition of robbery so as to bring under that head "the sudden snatching, taking or carrying away any money, goods, chattels or anything of value from the owner without his consent." In New York the ordinary pickpocket commits larceny. To constitute robbery, force or intimidation must be used, though the degree of force employed is immaterial. It is necessary in New York, however, that the force employed should produce fear. If the force employed, say in snatching a pocketbook was simply sufficient to remove the pocketbook, the offense would not constitute robbery, but if a pistol were pointed at the head at the same time to produce fear, it would be robbery. In doubtful cases robbery and larceny may both be included in the indictment and the jury left to decide from the evidence under which head the offense comes.

Miscellaneous police regulations

Gambling. The war against various forms of gambling continues in different states. The slot machine has been prohibited in New Jersey, Kansas and Virginia. In Washington the law has been made more stringent so as to apply not only to the operation of these machines for money, checks and credits, but for anything of value whatsoever.

Indiana amends its law as to lotteries by imposing a fine from $200 to $500 for allowing property owned or leased to be used for lotteries.

In Tennessee it is made a misdemeanor to keep pool rooms where bets are made or books made on any horse race run in Tennessee except on licensed tracks. In Texas a stringent law has been passed punishing the betting on horse races by a fine from $200 to $500 and imprisonment in the county jail for not less than 30 nor more than 90 days.

Prize fighting. Prize fighting is prohibited in California by its Penal Code, but the provision as to sparring exhibitions is made

sufficiently liberal to permit such encounters under the auspices of a domestic athletic club on the prepayment of an annual license. The latest amendment to the law provides that boxers prior to each exhibition must be examined by a physician to determine whether or not they are in perfect condition. Hitherto clubs have been required simply to have a physician in attendance. In Connecticut prize fighting has been defined more accurately in the code, and a fine of $1000 can be imposed instead of the five year sentence.

Shows and exhibitions. Legislation as to shows and exhibitions has had for its object to protect the sensibilities as well as the pocket of the public, and also to protect the health of the performer.

Pennsylvania has followed the example of Illinois in making it a misdemeanor to manage or participate in athletic contests lasting over 12 hours a day. Tennessee prohibits speculation in theater tickets. Michigan makes it a misdemeanor to exhibit deformed human beings or deceased human bodies except for medical purposes. Kansas ['03 ch.224] goes still further in limiting the activity of the showman. It would seem that any prohibition as to the eating of snakes or scorpions, centipedes or tarantulas would be unnecessary in any community where other and cheaper articles of food were abundant, but in Kansas the spirit of prohibition which has found expression in the restraint of the liquor traffic finds a new sumptuary channel in prohibiting the eating of the creatures referred to. The liberty of the individual who wishes to eat snakes and scorpions and other reptiles in private is not restricted. But he must not do so, or even pretend to do so, in public. The law reads as follows: "It shall be unlawful for any person to exhibit in a public way within the state of Kansas any sort of an exhibition that consists of the eating or the pretending to eat snakes, lizards, scorpions, centipedes, tarantulas, or other reptiles." The penalty is imprisonment from 30 days to nine months or fine from $25 to $100.

Cruelty to animals. The humane sentiment finds renewed expression in additional laws for preventing cruelty to animals.

relating mainly to blanketing clipped horses, transporting cattle, docking horses' tails and shooting live birds from traps.

Tobacco. Seven states have passed laws prohibiting the selling or giving of cigarettes to minors, though there is no uniformity as to the age. In Nebraska, Utah, Florida and Missouri the age limit is 18 under which cigarettes must not be sold or given. In Pennsylvania the age limit is 21 and in South Dakota 16. In Tennessee the law has been made more stringent by not only prohibiting the sale of cigarettes but the keeping of them in stock.

Opium, cocaine etc. Seven states have enacted laws to regulate the selling of cocaine and other drugs, making a physician's prescription necessary in nearly all cases.

Mob violence. The prevalence of lynching in the United States has become a national scandal. There is no doubt that public opinion taken as a whole is overwhelmingly against such a practice, but the difficulty is in making this public opinion effective in states and communities where lynching is most prevalent and where it exists simply because public sentiment permits it. As factors in creating a new and better public opinion, the messages of the governors are important elements. Last year five governors in their messages to the Legislature call attention to the unfortunate existence of mob violence and the need of adequate remedy. Governor Jelks of Alabama said:

> The excuse urged for lynching for crimes which are common in the South is no excuse at all. The man who criminally assaults a woman in this state, if allowed to be tried, will certainly get his just deserts at the hands of the law. . . Other classes of citizens for other crimes escape the just penalty for the violation of the law, but the negro, and for the gravest of all crimes, never escapes. . . There have been quite a number of lynchings since you met here. In the last year and a half, or during my official incumbency of this office, I recall five such crimes. One of these lynchings was for the crime of criminal assault. So easy was it for the mob spirit to get away from the original cause for provoking that spirit that three of the latest of these crimes were for other offenses and two for no offense at all. In one county near the capital city, a lot of self-constituted guardians of the peace and honor of their homes in an attempt to mob a negro who had committed an offense, which, under the law, could not

have called for a sentence of more than two years, took his brother, innocent of any offense at all, and hanged him. I am glad to be able to say to you that there was a just judge and a sufficient number of law-abiding citizens to give these men, or some of them, a term in the penitentiary. I believe these are the first like offenders to serve the state since the great war. No man had heretofore gone to the penitentiary for lynching a negro. It is our shame! Now that the law has begun to act, let law-abiding citizens and just judges see to it that other murderers go not unwhipped of justice hereafter. Following this case a mob in Pike county took a negro away from a constable — I know not with what difficulty—and lynched him. His offense was probably swearing contrary to one of his white neighbors in a justice trial on a proof of character. This was a cold-blooded murder and without excuse at all. . . The murderers go about. None of them will be hanged as they should be. Another case grew out of an assault to murder, and still another in a hunt for a rapist, the murderous mob found the wrong man. The man the outlaws killed in this last case had never seen the rapist's victim or heard of her. Human life is about as cheap in Alabama as it is anywhere. One or two southern states vie with us and may overreach us in the low price we put on it, but we are shamefully near the bad eminence. And sheriffs can prevent this lawlessness in most cases.

Governor Aycock of North Carolina asks for legislative relief in the direction of "some means for the efficient, certain and speedy trial of crimes, and at the same time to make such provision as will protect every citizen, however humble, however vicious, however guilty, against trial by the mob."

Governor White of West Virginia said: "Lynching is a cowardly crime, subversive of social order, productive of no good result and leads to other crimes by making criminals of those who heretofore have been law-abiding citizens. . ." Governor White was not prepared to suggest the form of remedial legislation but called attention to the need of conferring additional power upon the governor, such as the right to remove sheriffs or prosecuting attorneys who fail to fulfil their duties. Governor Candler likewise pointed out the powerlessness of the executive when local officials are weak.

The legislative response to these messages during the last session in West Virginia which adopted a joint resolution

reflecting the spirit of the governor's message and saying: "It is the sense of this body that the rights of our citizens should be held inviolate and that every man accused of crime should have a fair and impartial trial by a jury of his peers, and that those who would recklessly and grossly deny this right should be brought to swift and speedy justice." The resolution empowers the governor with the aid of the attorney general to take such means as in his judgment are necessary to bring the guilty parties to justice.

Connecticut ['03 ch.140] has passed a law making cities or boroughs liable for injuries caused by a mob, in case reasonable care or diligence shall not have been exercised to suppress such mobs.

Kansas ['03 ch.221] has passed a law declaring "that any collection of individuals assembled for an unlawful purpose, intending to injure any person by violence and without authority of law, shall for the purpose of this act be regarded as a 'mob,' and any act of violence exercised by such mob upon the body of any person shall constitute the crime of 'lynching,' when such act or acts of violence result in death; that any person who participates or aids or abets such lynching upon conviction thereof, shall be imprisoned in the state prison for not more than five years or during life in the discretion of a jury." Persons who harbor or conceal those who have committed lynching or who participate in or aid the crime are deemed accessories after the fact and may be imprisoned from 2 to 21 years. The courts of any county in which the overt act is committed are given jurisdiction over the persons or any members of the mob residing in other counties. The sheriff who fails to furnish sufficient protection is to be removed, but may be reinstated by the governor. The sheriff may appeal to bystanders to arm themselves to protect the prisoner, and he may furnish arms or weapons for such purpose. The refusal of a bystander to assist the sheriff in defending such prisoners is a misdemeanor punishable by a fine of $100 to $1000 or imprisonment in the county jail for six months. If the sheriff has any reason to believe that a prisoner

in his custody is in danger of being lynched and that he needs additional protection, it is made his duty to inform the governor and to ask for military aid.

Sunday observance. Florida has passed a law exempting newspapers from the provisions of Sunday laws. Minnesota prohibits the sale of uncooked meats, groceries, dry goods or clothing on Sunday, but fruits, confectionery, newspapers, drugs, medicines and surgical appliances "may be sold in a quiet and orderly manner." Oregon amends its law so as to permit theaters to be kept open on Sunday. South Carolina which formerly permitted fruit and vegetable trains to run from April to August inclusive now permits them to be run on any Sunday in the year. South Dakota has raised the penalty for Sabbath breaking (formerly $1) to $10. Washington prohibits the business of barbering on Sunday with a penalty of $10 fine and five days in the county jail for the first offense or a fine of $25 to $50 or imprisonment from 10 to 25 days in the county jail for each subsequent offense.

Other penalties

Many penalties are imposed in laws not included under the head of Crimes and Offenses or Miscellaneous Police Regulations. The catalogue of misdemeanors is largely increased by offenses relating to game and fish laws, the adulteration of food, the running of automobiles. While many laws relate to disturbing persons who are living, New Mexico protects the dead from disturbance by making it a misdemeanor to bury a person in a place where it is necessary to disturb the remains of a person previously buried.

Kansas makes it a misdemeanor to permit children under 18 to take part in public exhibitions of hypnotism. Many offenses under the liquor laws are created misdemeanors. South Dakota makes it a misdemeanor to compel one to submit to vaccination.

Several states make nonsupport of family a misdemeanor, but Michigan catalogues it as a felony. In Tennessee it is made a misdemeanor to travel on or along the public or private levees and a felony to cause a break therein.

CORRECTIONS

GEORGE MCLAUGHLIN M. A. SECRETARY NEW YORK STATE COMMISSION OF PRISONS

The general trend of legislation for 1903 relating to corrections and penal institutions was toward establishing separate institutions for the care of women and girls; further progress in restricting convict labor to the general state account system, and forbidding the sale of convict-made goods in the open market; increased effort to separate the criminal insane from other criminals and confine them in insane hospitals. Perhaps the most marked feature of legislation in this field during the year was the wider use of the limited indeterminate sentence, identical with the Elmira sentence in New York, and the adoption of the Massachusetts probation law, more or less modified, by many of the other states.

General supervision

In Virginia the law ['03 ch.171] providing for a state farm for convicts was modified by authorizing the surgeon and superintendent of the farm to be appointed by the board of directors instead of the governor; and by providing that the superintendent subject to the approval of the board shall appoint and may remove the prison guards; and further by providing that all laws for the government of the penitentiary shall be in force on the farm so far as practicable, and requiring the superintendent at the end of the fiscal year to take an inventory and make out a general account. In this state also the superintendent of the penitentiary with the approval of the board of directors was authorized to employ such assistant clerks as the needs of the service may require ['03 ch.172]. Heretofore the employment was by the board of directors. The law ['03 ch.175] relating to the management of the State Penitentiary, branch prisons and prison farm was amended by providing that the governor shall appoint, subject to confirmation by the Senate, a board of five directors which shall have the government and control of the penitentiary, branch prisons and prison farm subject to such regulations and requirements as may be prescribed by law. The term of office of one of

the directors shall expire each year. Subsequent appointments shall be for five years. The board of directors shall appoint every four years a superintendent and surgeon for the penitentiary, and a superintendent and surgeon for the State Prison Farm.

Indiana provided for a prison commission of six members, three to be appointed by the governor for a term of two years, and the other three to consist of the warden of the State Prison, the superintendent of the State Reformatory, and the secretary of the State Board of Charities ['03 ch.243]. The duties of the commission are to investigate jail and workhouse conditions and prison labor for the purpose of formulating a plan for the solution of the prison labor problem. Each commissioner appointed by the governor shall receive a compensation of $5 a day for actual services, not to exceed $100 in any one year. An allowance of $800 was granted for expenses, and the commission was authorized to appoint a secretary and stenographer at a salary of not to exceed $15 a week, and not to exceed $200 in any one year.

In Missouri ['03 ch.59] the judge of the Circuit Court was authorized to appoint in his discretion, or on petition of 15 reputable citizens, a county board of visitors of three men and three women to inspect all corrective county or municipal institutions; the board on discovering injurious conditions to make complaint to court or officials having jurisdiction, also to make an annual report to secretary of State Board of Charities.

In Connecticut Governor Chamberlain in his annual message recommended that all the county jails be brought under the control of the State Commission of Prisons; that a state reformatory be established for offenders between 16 and 30 years of age; and that a system of suspended sentence with supervision by probation officers be adopted for treating juvenile offenders.

In California Governor Pardee in his message commends the present method of governing the state prisons through a board of directors appointed for long terms. In this state an act ['03 ch.190] was passed forbidding employment of inmates of state institutions in the manufacture of articles for private use of state officers or employees.

In New York an act ['03 ch.473] was passed amending the state charities law, requiring that the annual reports of the state institutions shall be filed with the fiscal supervisor on or before Dec. 1 in each year, and copies of the inventories of supplies on hand at the close of last year on or before Oct. 20; that supplies may be purchased *on a credit of not exceeding 30 days* (formerly for cash only); that contracts may be executed by the superintendent or stewards (formerly stewards only); that the fiscal supervisor (formerly the comptroller) and the board of managers shall determine as to advertisements for proposals for repairs and improvements to the institutions; and reports of visitation, and recommendations shall be made to the fiscal supervisor as well as to the governor and the State Board of Charities.

Penal institutions

In Arizona Governor Brodie in his annual message criticizes the Territorial Prison as at present constructed, compelling the mingling of all degrees of criminality, old and young, first offenders and hardened criminals, as exercising a disastrous influence against the success of reformative measures.

Governor Davis of Arkansas recommends that the management of the pentitentiary be placed in the hands of a board of business men appointed by the governor subject to confirmation by the Legislature, and criticizes the present management.

California passed an act ['03 ch.363] creating a state board of charities and corrections to inspect state and local charitable, correctional and penal institutions and make a biennial report to the governor; the act provides for an annual appropriation of $6000.

Governor Bailey of Kansas in his message to the Legislature questions the wisdom of longer taking care of Oklahoma prisoners.

In Kansas a law was enacted ['03 ch.39] forbidding convicts performing any labor for private citizens outside of the penitentiary grounds for hire or otherwise, and making it the duty of the warden to employ the surplus convict labor in extending and repairing state and county roads and other state work; also

making it unlawful for any persons other than convicts to be boarded at the expense of the state; and making it the duty of the warden to furnish each employee of the penitentiary, who is the head of a family, one hundred bushels of coal annually from the mine free of charge. This act also appropriates $38,493 to purchase additional lands for penitentiary uses.

In Minnesota an act was passed ['03 ch.335] providing that contracts relating to state institutions under control of the Board of Control be made in writing and signed by the chairman.

In New York the state finance law ['03 ch.239] was amended by providing that the state comptroller and the president of the State Board of Charities shall classify into grades the officers and employees of the charitable and reformatory institutions required to report to the fiscal supervisor (formerly the comptroller), and annually in September recommend to the governor such changes in the salaries or wages of such officers or employees as may seem proper, such changes to be effective on approval of the governor in writing.

Governor Aycock of North Carolina reports that the State Penitentiary is self-sustaining and will need no appropriation.

In Oklahoma Governor Ferguson reports that there are 287 Oklahoma prisoners confined in the Kansas Penitentiary for which Oklahoma pays 35 cents each a day for maintenance.

In Pennsylvania a law was enacted ['03 ch.48] making active or visiting committees of societies incorporated for the purpose of visiting and instructing prisoners and alleviating their miseries, official visitors; societies to notify warden of names of such committees.

In South Dakota the law ['03 ch.86] relating to the Board of Charities and Corrections was amended requiring monthly (formerly annual) inspection of charitable and penal institutions.

In Virginia the law relating to organizing, governing and disciplining the State Penitentiary was revised ['03 ch.201].

In West Virginia the Legislature amended the law ['03 ch.45] relating to the West Virginia Penitentiary, so that the board of directors shall hereafter appoint the warden, treasurer and other

prison officials, and prescribe their duties and fix their compensation; the act made a number of other minor amendments to the law relating to the State Penitentiary.

In Wyoming an act ['03 ch.5] was passed requiring the secretary of the State Board of Charities and Reform to make a biennial (formerly annual) report to the governor; the act provides for distributing the report and appropriates $300 for each report.

In Nebraska the governor was authorized to appoint a matron to have charge of female prisoners in the State Penitentiary at a salary of $40 a month ['03 ch.113].

In Oregon the governor was authorized ['03 p.134] to appoint a matron to care for women prisoners in the State Penitentiary at a salary of $480 a year.

In Tennessee the Board of Prison Commissioners ['03 ch.435] was authorized to grant to guards 10 days' leave of absence each year, and sick leave not to exceed 5 days.

Texas ['03 ch.106] prohibited officers or employees of the State Penitentiary from purchasing goods or other property from the penitentiary system, or using services of convict or property of institution without permission of penitentiary board, or accepting compensation from persons hiring convicts.

The Washington Legislature ['03 ch.147] submitted a constitutional amendment exempting the employment of chaplains for the state penal and reformatory institutions from the provision in the present Constitution which provides that no public money or property shall be appropriated for or applied to any religious worship, exercise or instruction or the support of any religious establishment; vote to be taken in November 1904.

Wyoming authorized the State Board of Charities and Reform to appoint a penitentiary chaplain at an annual salary of $300 ['03 ch.19].

Institutions for women and girls. In Colorado the act ['03 ch. 115] establishing a state industrial school for girls was amended by substituting parole for discharge on such conditions as the board may deem advisable [§29]; by making all commitments for the term of the girl's minority [§39]; and by making it a mis-

demeanor (formerly a felony) for any person to encourage or assist any girl in escaping from said school, or in remaining away from any person to whom she has been paroled, or who shall knowingly harbor any girl who has escaped or has violated her parole [§43]: The law ['03 ch.116] relating to this institution was further amended, making counties liable for maintenance of girls committed to state industrial schools till final discharge by the board of control.

In Delaware the act ['03 ch.363] in relation to the State Industrial School for Girls was amended by changing the age of girls who may be committed to under 18 (formerly 21) years, and amending the procedure for commitments and the method of treating insubordination.

In Indiana the Legislature adopted an act ['03 ch.241] separating the Industrial School for Girls from the Women's Prison, and authorizing the governor to appoint four commissioners who with himself shall choose a location and purchase the land on which to erect an industrial school for girls; said site to consist of not less than 80 acres within 10 miles of Indianapolis. When the institution is completed, the governor shall appoint a board of managers to consist of women.

Massachusetts ['03 ch.209] provided for indeterminate sentence and release on parole of women sentenced to the Reformatory Prison for Women when the term is five years or less.

Nebraska made some minor amendments to the law ['03 ch.70] regulating the commitment of girls to the Industrial School.

In New Jersey the governor was authorized ['03 p.523] to appoint a commission of five persons, two of whom shall be women, to investigate and report to the Legislature of 1904 the necessity and advisability of establishing a state reformatory for women.

Pennsylvania continued the method of maintaining juvenile delinquents committed to houses of refuge not exclusively under state control ['03, ch.77], the state paying one half and the county from which such girl has been received paying the other half of such expense.

Reform schools. Arizona changed the name of the Territorial Reform School to Territorial Industrial School ['03 ch.72].

Idaho passed two acts ['03 p.12, 291] relating to the establishment of an industrial reform school to be managed by a board of four trustees appointed by the governor; the building to be on the cottage plan; school to be under the care of a superintendent; 40,000 acres of land set aside for the use of the school and a loan of $50,000 authorized for building purposes. Children between the ages of 8 and 18 years to be committed, with power to parole and discharge given to the trustees.

Indiana changed the name of the Indiana Reform School for Boys to the Indiana Boys School ['03 ch.87].

Maine changed the name of the State Reform School to State School for Boys ['03 ch.144].

Missouri changed the name of the State Reform School for Boys to the Missouri Training School for Boys ['03 p.202].

New Mexico established an institution to be known as the New Mexico Reformed School, to be under the management of a board of five trustees. Juvenile offenders of both sexes under the age of 18 years convicted of offenses less than felonies punishable by imprisonment for life may be committed thereto ['03 ch.2].

In Oregon the permanent board of trustees having the management of the State Reform School is made to consist of the governor, secretary of state and the state treasurer ['03 p.330].

In Pennsylvania an act ['03 ch.149] was passed requiring counties to pay for maintaining children committed to industrial schools not under state control when parents or guardians are unable to do so.

In West Virginia the law ['03 ch.31] relating to commitment of boys to reform schools was amended by providing that a boy committed for a penitentiary offense and proving intractable may be returned to the court which sent him and resentenced to the penitentiary, also authorizing the governor to transfer a youthful offender under the age of 16 years from the penitentiary to the reform school.

State reformatories. In Connecticut an act ['03 ch.180] was passed establishing a reformatory commission of five persons to be appointed by the governor, and authorizing the establishment of a reformatory for men. It is the duty of this commission to examine all laws and investigate all conditions and customs pertaining to commitments to jails and prisons in the state and recommend amendments and changes, to select a site for the reformatory, to secure plans and specifications for necessary buildings, and bids for their construction, to investigate reformatories in other states, to report to the next General Assembly with recommendations and present such acts as may be necessary for carrying out the purpose of establishing such institution. The act appropriates $50,000.

In Indiana the law ['03 ch.4] relating to the board of managers of the Indiana Reformatory was amended by authorizing the governor to remove any manager for cause after a hearing, and by giving to each manager a salary of $300 and expenses not exceeding $100.

In South Carolina an act ['03 ch.80] was passed making it the duty of the chaplain of the penitentiary to hold divine service and Sunday school at the Lexington Reformatory each Sunday, and giving him an additional salary of $150 for such service.

Local institutions

In Virginia § 4079 of the Code was amended ['03 ch.24] authorizing an allowance to the jail physician of 50 cents a day for each additional patient in excess of one, also authorizing an allowance for medicines, and an allowance not exceeding $10 a year for clothing. Amounts for medicines must be certified by the physician.

In Maine ['03 ch.37] towns were authorized to build and maintain a house of correction to be in charge of the overseer of the poor, and till such house is built the almshouse may be used for such purpose. The act provides also for the employment and discipline of the inmates. Towns were also authorized by vote ['03 ch.38] to discontinue any workhouse or apply it to other uses. The act ['03 ch.71] relating to the annual report on prisons made by county commissioners and sheriffs was repealed. This state also provides ['03 ch.85] that any person sentenced to a

jail, workhouse or house of correction not exceeding four months, shall be committed to an institution in the county in which convicted, if such county has a suitable jail, workhouse or house of correction, otherwise to any such institution in the state.

In Nebraska the law in relation to jails was amended ['03 ch.55] making it the duty of the county board (formerly commissioners) to provide mattresses (formerly sacks) for beds, and authorizing the board to appoint a jail physician and fix his compensation, also a matron in every county jail where there is a female prisoner, who shall have entire charge of the female prisoners and who may appoint an assistant matron to have charge of any sick prisoner, or minor under 16 years. The matron shall be under the direction of the sheriff and shall be paid by the board for time actually engaged.

New Mexico provides ['03 ch.66] that whenever any county jail shall contain more than 30 prisoners, the county commissioners shall make a special levy not exceeding 3 mills on $1 for constructing additional quarters for jail purposes.

Section 5277 of the Vermont Statutes was amended ['03 ch.129] so as to require the state auditor to pay the expense of lighting as well as of fuel for a jail.

In Wisconsin a law ['03 ch.356] was passed authorizing county boards to establish houses of correction, to acquire lands for such purposes by purchase or condemnation and to change the location of any such institution now existing.

In South Dakota boards of trustees in incorporated towns were authorized to establish and erect a town jail ['03 ch.94].

Convicts

In Arkansas an act was adopted ['03 ch.95] requiring separate apartments for white and negro prisoners in county jails, stockades, convict camps and other places where state or county prisoners are confined. The act further provides for separate bunks, beds, dining tables and other furnishings, and forbids the handcuffing of a white prisoner to a negro. A violation of this act is made a misdemeanor punishable by a fine of from $50 to $200.

In Georgia an act was passed ['03 p.71] making it a misdemeanor to enter the guard lines of the convict camps of the

State Penitentiary with a weapon or liquor, or to traffic with convicts without the consent of the deputy warden.

In Massachusetts the law relating to the expense of removing prisoners was amended ['03 ch.354] so as to make the expense of removing a prisoner from one jail or house of correction to another a charge on the county from which the prisoner is removed, and the expense of removing prisoners from jails or houses of correction to state institutions, or from the latter to the former, a charge on the state after approval by prison commissioners.

In Minnesota a law was enacted ['03 ch.207] providing that a person charged with or convicted of crime be conveyed in closed vehicle when transferred from one place of detention to another, or from place of detention to place of trial, in cities of over 50,000 inhabitants.

Convict labor. In California the state prison directors ['03 ch.116] were directed to employ not less than 40 prisoners in construction of certain roads.

In Colorado an act was adopted ['03 ch.149] regulating the sale of convict-made goods. This act requires dealers of such goods to obtain a license from the secretary of state and give a $5000 bond. The license shall be for one year and the fee is $500. Convict-made goods must be branded "Convict-made," with the date and name of the institution in which they were manufactured. Any person violating the act shall be guilty of a misdemeanor and shall be punished by a fine of $50 to $1000, or imprisonment for 10 days to one year, or both.

In Florida the act regulating the hiring out of state prisoners was amended ['03 ch.51] requiring distribution of the proceeds to be made among the counties quarterly (formerly semiannually) on the basis of the total valuation of the property (formerly the number of convicts from each county), one half to go into the general revenue fund of the county and one half (formerly the entire amount) to go into the fine and forfeiture fund. County commissioners were authorized ['03 ch.155] to employ on public works persons detained in jail on misdemeanor charge on consent of the prisoner. If not convicted, he shall be paid 30 cents a day, if convicted, the time so employed shall be credited on term of

imprisonment to which he may be sentenced, or if fined, the value of the labor to be credited on the fine.

In Georgia an act was passed ['03 p.65] requiring the Prison Commission to lease convicts for a period of five years from Ap. 1, 1904; convicts not to be worked in factories where women are employed; the state to furnish all guards and physicians, and the contractor transportation, maintenance, medicine, clothing and buildings; subletting of convicts to be approved by the Commission.

In Illinois an act was passed ['03 p.271] regulating the employment of convicts and creating a board of prison industries to administer the act. Prison-made goods are not to be sold in the open market; convicts are to manufacture supplies for the state and state institutions, and for the political divisions of the state and the public institutions thereof; the board shall assign industries to the several penal institutions, prices to be fixed by a board of classification consisting of the president of the State Board of Charities and the auditor of public accounts; the contracting of convict labor forbidden; officials are required to furnish estimates of supplies needed. This act establishes in Illinois a system of prison labor substantially like that existing in New York.

In Indiana the law in relation to convict labor was amended ['03 ch.16] limiting terms of contracts for convict labor to Oct. 1, 1910 (formerly 1904), and providing that contracts shall be awarded to the highest and best bidder (formerly to the highest).

In Minnesota the sale of binding twine manufactured at the State Prison at Stillwater ['03 ch.104] was put under the control of the warden and Board of Control of State Institutions (formerly board of managers). The act also regulates the sale of said twine and provides penalties for violation.

In Missouri a binding twine plant was established at the penitentiary. An appropriation of $35,000 was made therefor ['03 p.24].

In New Jersey a magistrate was authorized ['03 ch.53] to order that a tramp committed by him shall wear a ball and chain when engaged in performing labor.

In New York the Penal Code was amended ['03 ch.333] making it a misdemeanor for any person to visit any state prison, reform-

atory, penitentiary, county jail or other place of detention (formerly state prisons only), or to communicate with any prisoner therein, or to bring into or convey out of any such institutions any letter, information or writing to or from any prisoner without the consent of the warden or other officer in charge, or to furnish directly or indirectly to any prisoner any drug, liquor or other prohibited article. An act was also passed ['03 ch.447] providing that the assistant foreman of construction at Clinton Prison shall, when directed by the warden, perform the duties and have the authority of a prison guard, and that the articles manufactured in the prisons shall be of the styles, patterns, designs and qualities fixed by the Board of Classification. The act substitutes the fiscal supervisor of state charities for the comptroller as a member of this board.

In Oklahoma an act was passed ['03 ch.24] directing the governor of the territory to contract with a responsible person or corporation within the territory (formerly with proper authorities of some other state or territory) for the care and custody of convicts, and providing further that male prisoners sentenced for a period of five years or less may be required to labor on public highways in the custody of the sheriff of the county in which such labor is to be performed. This act authorizes the governor to contract with county commissioners for convict labor on highways and receive the contract price therefor.

In Oregon an act ['03 p.198] was passed amending C. § 3678, requiring the receipts of the state from convict labor to be designated as a penitentiary betterment fund and used in making improvements and additions to prison buildings (formerly such proceeds became part of the general fund of the state).

In Pennsylvania county prison boards were authorized to appoint deputies to supervise prisoners employed outside of jails ['03 ch.232].

In South Carolina incorporated towns and cities were authorized ['03 ch.46] to own and operate rock quarries for the purpose of improving roads and to operate them with convict labor. The law relating to sentencing convicts to hard labor was amended ['03 ch.70] by providing that able-bodied male convicts

under sentence for less than 10 (formerly seven) years, may be sentenced to hard labor on public works in the county, or imprisoned at hard labor.

Tennessee ['03 ch.40] authorized contracts for convict labor to be extended to Mar. 1, 1909 (formerly 1903).

The Board of Prison Commissioners was authorized with the consent of the governor to purchase not exceeding 15,000 acres of additional coal lands, to be operated by the state for coal mining purposes as a means of utilizing the labor of convicts, the price not to exceed $12 an acre ['03 ch.378].

Washington authorized the employment of convicts of the State Penitentiary in crushing, preparing and handling rock or other materials for roads or streets; such labor to be performed at such places as the Board of Control shall direct; board also authorized to sell or dispose of said material ['03 ch.138].

Criminal insane

In Georgia an act ['03 p.77] was passed prohibiting an inquisition or trial to determine the sanity of any person who has been convicted of a capital offense, and providing that the governor on satisfactory evidence that a person convicted of a capital offense has become insane subsequent to his conviction may have him examined by expert physicians, and if found to be insane may commit him to the State Sanatorium till restored.

In Maine an act was passed amending the law relating to insane criminals ['03 ch.147] providing that when a convict in a state prison or a county jail becomes insane the warden shall forthwith notify the county examiner (formerly the governor). This bill further provides that persons under indictment, as well as other prisoners, becoming insane before conviction may be committed to an insane hospital by the judge of the Supreme, Judicial or Superior Court in the county where such person is to be tried.

In Missouri an act was passed ['03 p.202] providing that if a convict having served two thirds of his term in the penitentiary recover his sanity after commitment to the insane asylum, he shall be discharged by the governor and not returned to the penitentiary.

In Oregon an act was passed ['03 p.72] providing that whenever any convict confined in the State Prison shall be found to be insane or an idiot by the prison physician he shall report to the governor, who shall direct the physicians of the State Insane Asylum to examine him. The governor may then make an order transferring such convict to the State Insane Asylum. Formerly the proceedings were before the county judge in the county where the prison was located.

In Pennsylvania an act was passed ['03 ch.36] providing that an insane person convicted of homicide or attempt at homicide may not be discharged unless the superintendent and three fourths (formerly all) of the managers of the hospital and the trial court are satisfied that he has recovered.

System of sentencing and reform; parole; pardon

Commutation of sentence. In New York an act was passed ['03 ch.137] defining a definite sentence and an indeterminate sentence, and limiting commutation or diminution of sentence to prisoners serving a definite sentence.

In Tennessee the act relating to managing the State Penitentiary was amended ['03 ch.343] authorizing the prison commissioners to disallow good time as a punishment for bad conduct and afterward to restore the same.

Discharge. In California §28 of the Penal Code requiring discharge of all prisoners on Monday was amended ['03 ch.202] so as to apply only to prisoners sentenced for a term exceeding 30 days.

In Massachusetts the law relative to aiding discharged prisoners was amended ['03 ch.212] so as to authorize the agents employed by the prison commissioners for aiding prisoners to render assistance to prisoners discharged on permit from either the State Prison or the State Reformatory as well as those permanently discharged.

In New Hampshire a law was passed ['03 ch.84] authorizing the warden to furnish each discharged convict with a suit of clothes and a sum of money not exceeding $10 (formerly $3).

Habitual criminals. In California an act was passed ['03 ch.95] regulating the punishment for second convictions of petit larceny

or any offense punishable by imprisonment in state prison. Section 667 of the Penal Code relating to punishment for second offenses was repealed ['03 ch.96].

In Washington an act was passed ['03 ch.86] providing that the sentence of a person convicted of felony for the second time shall be at least twice as long as the first sentence, and on conviction for third offense imprisonment shall be for life; if convicted of petit larceny after a former conviction of either felony or grand larceny, punishment shall be for grand larceny.

Identification. In Michigan an act was passed ['03 ch.27] establishing at the Michigan State Prison at Jackson the Bertillon system of identification of prisoners, and providing for an interstate exchange of records.

Indeterminate sentences. In Kansas an act was passed ['03 ch.375] providing for an indeterminate sentence of every person convicted of a felony or other crime punishable by imprisonment in the penitentiary, except murder and treason; the term of imprisonment not to exceed the maximum nor be less than the minimum term provided by law for the crime for which the person was convicted; the board of directors and warden to constitute the prison board to regulate parole and release.

In Michigan an act was passed ['03 ch.136] providing that every sentence of a person to the State Prison, the State Reformatory, the State House of Correction, and the Detroit House of Correction, except of a person sentenced for life or a child under 15 years of age, shall be an indeterminate sentence. The term of imprisonment shall not exceed the maximum term provided by law for the crime nor be less than the minimum term. In cases where the court has discretion to sentence for life or any number of years the court shall fix the maximum sentence; the minimum sentence shall not be less than six months. Authority to grant parole is vested in the governor; a prisoner twice previously convicted of felony is not eligible for parole; the governor is authorized to make absolute discharge on recommendation of the institutional board of control.

Parole. In Arizona the law relating to the parole of prisoners was amended ['03 ch.55] by authorizing the parole of any prisoner

(formerly only first offenders) in the Territorial Prison after having served one year of term.

In Minnesota an act was passed ['03 ch.286] authorizing the Board of Control of State Institutions to appoint a state agent for aiding and supervising paroled or discharged prisoners, and to fix his salary.

West Virginia provided ['03 ch.45] that convicts not having served two terms for felony may be paroled by the governor at the end of the minimum term when not under life sentence; in case of sentence for two or more separate penitentiary offenses the governor may terminate succeeding terms at the end of the first term of sentence.

Pardons. In Arkansas an act was passed ['03 ch.154] regulating applications for pardon; applications must set forth grounds, list of petitioners, proof of publication for two weeks in the county where the conviction was had and in the county where the offense was committed; it is made a misdemeanor to present application without publication, but governor on his own motion may pardon without publication.

Indiana passed an act ['03 ch.236] creating a state board of pardons consisting of three persons appointed by the governor, to examine the merits of petitions for pardon and report to the governor.

In Maine § 8-12 of ch.133 of the laws of 1897, relating to pardons, were repealed ['03 ch.74].

In Michigan an act was passed ['03 ch.239] amending the law creating a pardoning board. This amendment makes the board consist of three members instead of four, one member's term to expire every two years; subsequent appointments to be for six years (formerly four) and to be confirmed by the Senate; compensation is increased from $5 to $7 a day; recommendations for pardon shall be made on the vote of two (formerly three) members.

In New Jersey an act supplementing the act relative to the Court of Pardons was passed ['03 ch.104] giving to each member of the court, except the governor and chancellor, $20 for each

day's attendance in lieu of mileage. A constitutional amendment ['03 ch.177] to make the Court of Pardons consist of the governor, the chancellor and the attorney general, or two of them, in place of six judges of the Court of Errors and Appeals as at present, was rejected by the people.

In North Dakota the law relative to granting pardons was amended ['03 ch.42] authorizing a pardon by the unanimous vote of the members of the board present (formerly the full board), and providing that four members constitute a quorum.

In Utah the law ['01 ch. 102] authorizing a vacancy in the Board of Pardons to be filled by calling in the secretary of state or any of the district judges was repealed ['03 ch. 85].

In Virginia ['03 ch. 89] the governor was given the same power to remit fines and penalties in felony or misdemeanor cases that he has to grant pardon. An act was passed ['03 ch. 192] regulating the procedure on an application to the governor for the parole of any inmate of the State Penitentiary.

Probation. In California an act was passed ['03 ch.34] establishing a system of probation similar to the system prevailing in Massachusetts and lately adopted in New York. Where discretion is conferred as to the extent of the punishment, the court may suspend sentence or the execution of sentence and commit to the care of a probation officer, may revoke the probation at any time and impose sentence, or direct execution of sentence. An act was also passed ['03 ch.35] authorizing courts having original jurisdiction to appoint probation officers; expenses of probation officers to be a county charge.

In Connecticut an act was passed ['03 ch.126] providing for the appointment of probation officers by every criminal, police and town court, and defining the duties of such officer; a minor may be committed to care of probation officer both before and after trial; misdemeanants may be released on probation after sentence; probation officers shall be reimbursed their expenses, and receive compensation for actual service not exceeding $3 a day to be fixed by the court; the probation service of the state to be under the supervision of the Connecticut Prison Association.

In Massachusetts the probation law was amended ['03 ch.452] by authorizing the arrest of a prisoner on probation who has been ordered to return to the prison from which he was released.

In Michigan an act was passed ['03 ch.91] authorizing the criminal courts to grant probation to first offenders, when they have a discretion as to the extent of the punishment. Courts may revoke probation in their discretion; the county agent of the State Board of Corrections and Charities shall be ex officio probation officer of the county; probation officers shall have the powers of a sheriff, the same fees as sheriffs for traveling, and $2 a day for compensation.

In Minnesota the law relating to probation officers was amended ['03 ch.270] making their term four years (formerly two), salary $1200 (formerly $800) in counties of 100,000 inhabitants, $600 (formerly $300) in counties of 50,000 to 100,000. Probation officers shall be present in the District Court whenever any person under the age of 21 (formerly 18) years is brought into court for trial, supervise the conveyance of children to the State School at Owatonna, make inquiry into the nature of every juvenile criminal case brought before the court and make recommendations for probation.

In New Jersey an act supplementary to the probation law was passed ['03 ch.221] giving the power to magistrates of municipalities to suspend sentence and place the offender in the care of a probation officer; powers and duties of the probation officer in such case to be the same as when commitments are made by the Court of General Quarter Sessions of the Peace.

In New York the probation law was amended ['03 ch.613] by requiring the justices of all courts having original jurisdiction in criminal actions (formerly city courts only) to appoint probation officers, and providing that such officers may be chosen from the officers of a society for the prevention of cruelty to children, or any charitable or benevolent institution, society or association; this law extends the system to all persons (formerly those over 16 years); suspension of sentence not to exceed one year; children to be placed in the care of probation officer of the same religious faith as that of their parents.

Property Ernst Freund
Liens and Mortgages Louis Boisot
The Family Amasa M. Eaton

PROPERTY[1]

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The most important legislation of the year concerning property is the act of Illinois ['03 p.121] making it the duty of executors and administrators, appointed after the adoption of the act, and of trustees with power of sale under wills thereafter to be proved, to have registered the titles to nonregistered estates or interests in land. This is the first time that registration of title is made compulsory. Since every piece of property not owned by corporations is apt to go through the process of transmission by death at least once in the course of 50 years, this amendment, if carried out, will have the effect by the end of that time of bringing nearly the whole of the county of Cook, including the city of Chicago, under the operation of the act. The Probate Court may however excuse from registration in cases where it may appear as a hardship. In view of the broad approval given by the Supreme Court of Illinois to the principle of registration, it is quite likely that the fact that the initial registration by executors can no longer be regarded as a covenant running with the land, will not prove fatal to the act. But the act seems to lack provisions for enforcement: the title of heirs or devisees is not divested; should they sell, or should executors or trustees convey without registering, would the purchasers not obtain good title? It would have been simpler, if the act had vested the title to the real estate of decedents in the executor or administrator, as is done by the English land transfer act.

Colorado has adopted the Torrens system by an act ['03 ch. 1391] which is a close copy of the Minnesota act of 1901. The

[1] *See also* Summary of Legislation, 377.

period after which the initial registration concludes rights is however changed from 60 days to three months. The bill introduced in Michigan appears to have failed of passage. In Georgia a commission is provided to investigate the registration of land titles ['03 p.689]. The appointment of an investigating commission is recommended by the governor of Montana, and the report of a commission was received in Nebraska. Torrens acts, all voluntary, exist now in the following states: California, Illinois, Massachusetts, Oregon, Minnesota and Colorado.

In the matter of **recording deeds** the following new enactments are to be noted:

Maine ['03 ch.220] and North Dakota ['03 ch.152] extend the protection of the recording acts to purchasers under quitclaim deeds. Maine belonged to the jurisdictions in which a purchaser under such a deed was held to acquire only what his vendor really had, i. e. subject to an unrecorded conveyance though he recorded his own deed first [Walker *v.* Lincoln 45 Me. 67; Marshall *v.* Roberts 18 Minn. 405] a doctrine changed in Minnesota by statute of 1875 and disapproved by the United States Supreme Court [Moelle *v.* Sherwood 148 U. S. 21].

In North Dakota the recording act has also been changed by including under conveyances executory contracts for the sale or purchase of real property, which heretofore, following the New York statute, had been expressly excepted ['03 ch.152].

Minnesota provides for the recording of instruments relating to standing timber or stone, ores, minerals and similar property ['03 ch.32]. In those jurisdictions in which property of this kind is treated as personal property, such provision must be valuable for the protection of bona fide purchasers; where it is regarded as real estate, the provision is not indispensable. It seems that Minnesota had left the question open [Wilson *v.* Fuller 58 Minn. 149].

Florida ['03 ch.40] does away with the requirement of words of limitation to convey a fee simple. The requirement survives in the New England states, in Pennsylvania, Ohio, Delaware and South Carolina.

A considerable number of statutes deal with **acknowledgments.** They are without general interest, except perhaps that an act of

New Jersey allows attorneys to take acknowledgments of conveyances where the party resides out of the state ['03 ch.217]. The grant of a power to take acknowledgments to attorneys as such seems most unusual.

The following statutes should be mentioned as facilitating the alienation of property:

New York ['03 ch.154 amending C. C. P. §2348] and North Carolina ['03 ch.99] provide for proceedings to sell the contingent interests of persons not in being. As the proceeds are considered as retaining the character of the property sold, the power to sell does not prevent the power of alienation from being suspended, within the meaning of the rule against perpetuities. These acts should therefore be rather classed with the legislation giving administrative powers of sale for the more profitable management of settled property, such as we find in the English settled land acts.

New Mexico provides for the conveyance, in addition to the sale, of infants' interests in real estate ['03 ch.3]. Such conveyance may be authorized on account of some past consideration, or to carry out some agreement which has been made or executed, and which in good faith should be carried into effect. This seems to go beyond the usual provisions for enforcing trusts or executory agreements of sale, which might also be decreed by a Court of Equity [Hall *v.* Bushill 35 L.J. (Ch.)381] and would perhaps make it possible to cure a defective conveyance on the part of the infant's ancestor.

California provides for the conveyance by a guardian, where the vendor after making the contract of sale has become non compos ['03 ch.152]. A similar provision is found in New York [C. C. P. §2345], and in England equity seems to afford relief in such cases [Hall *v.* Warren 9 Ves. Jr. 605].

The Revised Statutes of New York provided that the right of a beneficiary of an express trust to receive the income of property should be untransferable. By the creation of such a trust it was therefore possible to suspend the power of alienation, and the period during which this might be lawfully done was limited to

two lives in being at the time of the creation of the trust. In 1893 the law was amended by providing that wherever a trust beneficiary should become also entitled to the remainder, he might release his interest in the income, whereupon the trust should cease, and the trust estate merge in the remainder [Real property law '96 ch.547 §83; personal property law '97 ch. 417 §3]. It was held [Mills *v.* Mills 50 App. Div.221] that in all cases in which the remainder limited on the trust was vested, the amendments of 1893 made it possible to unite the trust and the remainder in the same person, and thus clear the way for the conveyance of an absolute fee in possession thereby removing the suspension of the power of alienation. Trusts for any number of lives could therefore be created provided the remainders following them were vested. Two acts of 1903 [ch.87, 88] repeal the amendments of 1893, restoring the law of perpetuities to the condition in which it was placed by the Revised Statutes.

An act of Wisconsin ['03 ch.362] providing for the issue and recording of certificates of death of life tenants and joint tenants and making them prima facie evidence of the facts therein recited will provide a convenient link in the record chain of many titles.

Somewhat related to the law against perpetuities is the vague and tentative policy of a few states against long leases, fixing maximum terms of varying length. California and North Dakota now extend the permissible term of city leases from 20 years, the former state to 50 years, the latter to 99 years [Cal. '03 ch.210; N. D. '03 ch.151]. In these changes the convenience of landholders has undoubtedly been consulted; the problem of long leases has however received too little attention in this country to permit a judgment as to the wisdom of such legislation.

The adoption by Wisconsin ['03 ch.306] of the law first introduced in New York ['60 ch.345] and also to be found in Ohio and Virginia [*see* Taylor, Landlord and Tenant § 375] that the tenant, in the absence of any agreement to the contrary, may in case the building leased or occupied becomes untenantable without his fault, surrender possession and thereupon cease to be liable for rent, is a departure from a principle of the common law which

has always been felt to be a hardship, and which is modified in many of the forms of leases commonly in use.

Massachusetts ['03 ch.86] provides for the appointment of a committee to inquire into the practicability of legislation authorizing the condemnation of land for public uses, so that after using as much as is needed the balance may be leased or sold. The prevailing doctrine is now that, where land taken in good faith for public use ceases in whole or in part to be useful to the public, what is no longer needed may be disposed of, but more land than is needed may not be taken. It is obvious that there may be cases where it will be cheaper and wiser to take whole lots than parts of lots, and form the parts not needed into new lots for purposes of sale, so in widening streets, or in laying out parks to acquire adjoining property, and by leasing it control the improvements to be erected thereon. Probably some such consideration was in the minds of the Legislature. It will be interesting to see how the constitutional difficulty will be overcome of taking private property by condemnation which concededly is not needed or intended to be used for public improvements [*see* Lewis, Eminent Domain § 279, 596].

An act of North Dakota ['03 ch.204] gives a party under contract to purchase land, who is in default, a right to notice before his rights under the contract are forfeited. The law is probably intended to protect purchasers in possession, but it is not so limited in terms, and thus creates a peculiar inequality between purchaser and vendor in case of default in performing the contract, the vendor not being entitled to notice before his rights are forfeited, while the purchaser is.

Georgia makes considerable alterations in the common law regarding tide waters ['02 p.108]: it vests in the riparian owners the title to navigable tidal waters down to low water mark, and the title to the whole of nonnavigable waters, restricting the term navigable to availability for vessels carrying freight in the regular course of trade; while it saves the public right of passage, it gives the owner the exclusive right to shellfish, i. e. to oysters and clams. In Massachusetts the taking of shellfish has been held under similar conditions to be within the common public right of fishing [Weston *v.* Sampson 8 Cush. 34].

LIENS AND MORTGAGES[1]

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Real estate mortgages. Recent legislation in regard to real estate mortgages seems to be concerned chiefly with the best way to release them. Thus in Kansas ['03 ch.365] it is provided that in case of the mortgagee's death, a mortgage may be released by his executor or administrator during the period of administration and afterward by his heirs or devisee. In Minnesota ['03 ch.342] a mortgage running to a corporation may be released by its president or vice president attested by the secretary or treasurer, no mention being made of the corporate seal, and in Wisconsin ['03 ch.267] a mortgage running to a corporation which has ceased to exist or which has no officer in the state competent to discharge the same of record may be discharged by order of the Circuit Court. In Minnesota it has also been provided ['03 ch.15] that the 15 year statute of limitations applicable to foreclosure by power of sale shall not be extended by nonresidence or by partial payment after maturity. And in Pennsylvania a recent act ['03 ch.258] allows one who has mortgaged land and then sold it, to pay off the mortgage, and, if entitled to subrogation, to compel the mortgagee to assign the bond and mortgage to him.

Chattel mortgages. The tendency of legislation regarding chattel mortgages is toward making them more efficient. In Delaware ['03 ch.458] the lien of such a mortgage has been extended from a period of three years to one of five; in Colorado ['03 ch.72] and Kansas ['03 ch.364] a chattel mortgage may be renewed from time to time in two year extensions, by filing an affidavit; and in Montana ['03 ch.55] it is provided that a chattel mortgage may be extended before maturity, as well as within 60 days thereafter, and that successive one year extensions may be made indefinitely. A wise provision in North Dakota ['03 ch.133] allows a chattel mortgage to be acknowledged before any officer authorized to take acknowledgments of deeds. A step in the same direction has been taken in Illinois ['03 p.253] where it is now allowable (except in Cook county) to acknowledge a chattel

[1] *See also* Summary of Legislation, 404.

mortgage before any justice of the peace in the county instead of requiring it to be done, as heretofore, before some justice in the town where the mortgagor lives. A Maine statute ['03 ch.130] requires the mortgagee's consent to the sale of mortgaged chattels to be in writing and signed by him. In North Dakota the removal or sale of mortgaged chattels without the mortgagee's consent used to be a felony if the value of the property exceeded $500; by a recent act ['03 ch.132] it is a felony if the value exceeds $100, otherwise a misdemeanor.

Railroad mortgages. The curious provision of the South Carolina statutes requiring the description of mortgaged property to be written or typewritten and making the mortgage invalid if entirely printed, has been amended ['03 ch.62] so as to be no longer applicable to mortgages executed by a railroad or manufacturing company. Another act in the same state ['03 ch.57] exempts railroad mortgages from the 20 year statute of limitations applicable to the lien of real estate mortgages, and it is also provided there ['03 ch.49] that railroad mortgages shall be recorded within 40 days after execution in the office of the secretary of state and within six months thereafter in each county in which any part of the mortgaged real estate is situated.

Foreclosure. The year's legislation contains a number of minor amendments of the laws regulating the foreclosure of real estate and chattel mortgages. In North Dakota ['03 ch.120] and Wisconsin ['03 ch.122] a report of the foreclosure of a lien on chattels or chattel mortgage must be made. In Georgia ['02 p.53]a foreclosure of a chattel mortgage is permitted whenever any fraudulent disposition of the mortgaged property is contemplated. In Maine ['03 ch.204] a notice of foreclosure of a chattel mortgage may now be served by leaving a copy at the mortgagor's residence or by publication whenever the mortgagor can not be found by reasonable diligence. Probate Courts in Idaho ['03 p.94] have been given jurisdiction to foreclose mortgages on real and personal property, as well as mechanics liens and other liens, where the debt does not exceed $500. In Maine ['03 ch.117] attorney fees may be recovered in foreclosure only when the amount has been actually paid out, and in North Dakota ['03 ch.153] a real

estate mortgage can not be foreclosed by an agent or attorney unless his power of attorney has been recorded. A Minnesota statute ['03 ch.87] provides a method of foreclosing mortgages on land that has been registered under the Torrens law, and a New Jersey statute ['03 ch.199] makes a foreclosure suit lis pendens as to subsequent purchasers and encumbrancers by unrecorded conveyances, who are not made parties thereto, from the time the bill is filed. A wise provision in new states where land values are subject to rapid fluctuations is the Oregon statute ['03 p.252] forbidding deficiency decrees in suits to foreclose purchase money mortgages.

Mechanics liens. Illinois has adopted a complete mechanics lien law ['03 p.230]. The tendency of Legislatures to change these laws is generally to be deplored since frequent changes tend to make confusion, but this change is welcome since the new act takes the place of the cumbersome and unsatisfactory act of 1895 whose obscure verbiage has bewildered lawyers and builders alike. Florida has also adopted a new act ['03 ch.38] which seems to be complete in itself though it does not expressly repeal all existing laws on the subject.

In other states, minor changes have been made, mostly in the direction of extending the scope of the lien laws. Thus liens are given to threshers in Idaho ['03 p.93] to blacksmiths and wheelwrights in Arkansas ['03 ch.147] and to fishermen in Oregon ['03 p.121]. In Colorado ['03 ch.141] oil and gas wells are made subject to liens for work done thereon, and in Minnesota ['03 ch.338] liens on mines are given to those furnishing skill, materials or machinery for their development. In Washington the liability of vessels to liens has been considerably extended by an act ['03 ch.149] creating liens on vessels for loss from breach of contract for towing, loading, unloading, dunnaging or stevedoring. A Kansas statute ['03 ch.383] allows a mechanic to retain a lien on an article made or repaired by him though he has given up possession to the owner, and a Wisconsin law ['03 ch.298] allows subcontractors and laborers to have liens though the original contract contains a stipulation to the contrary. Liens for sidewalks are now allowed in Michigan ['03

ch.17]. The rights of those who work for or furnish materials to contractors on public buildings are protected in Oregon ['03 p.256] by requiring the contractor to give a bond for their benefit, and in Pennsylvania ['03 ch.187] by giving them a claim in the nature of a lien on the money due the contractor.

Some minor changes in procedure have also been made during the year. In Nevada ['03 ch.32] the time for filing subcontractor's or materialman's lien claims has been extended from 30 days to 50 days, actions against the same property may be consolidated, and attorney's fees are recoverable as costs on foreclosure; in North Dakota ['03 ch.122] a method of selling buildings apart from land on foreclosure is provided; and in West Virginia ['03 ch.42] forms for lien claims are declared by statute.

The Washington statute [Ann. C. & S. '97 §5953-54] attempting to give an absolute lien on foreign vessels for work done or materials furnished at the request of a contractor or subcontractor regardless as to whether the contractor has been paid in full or not has been held unconstitutional in so far as it attempts to control the administration of the maritime law by creating and superadding conditions for the benefit of a particular class of creditors thus depriving the owners of the defense of payment [The Roanoke 189 U. S. 185]. And the section of the California Code [C. C. P. §1203] requiring contractors to file bonds with their contracts, which two years ago was declared unconstitutional so far as owners was concerned [*Review of Legislation* 1901, p.224] has now been declared unconstitutional as to the contractors as well [Shaughnessy *v.* American Surety Co. 71 P. 701].

Miscellaneous liens. In Colorado ['03 ch.71] attorneys are given a lien for fees on money and property of their clients in their hands and also on judgments obtained by them, and in the same state it is also provided ['03 ch.70] that when a business is suspended by the action of creditors or by the appointment of a receiver or trustee, debts due to laborers, servants and employees shall constitute preferred claims. In Illinois ['03 p.6] the lien of the owner of a sire on his progeny is extended from a period of six months to that of one year.

THE FAMILY[1]

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Marriage

Parties. Age. In Florida, ch.25 amending R.S. '92 § 2606 relating to intermarriage of white and colored persons provides that either or both parties to such interdicted marriages shall be punished by imprisonment in state prison not exceeding 10 years or by fine not exceeding $1000. In Kansas, ch.220 attempts to regulate and prohibit marriages of imbecile, weak-minded, epileptic and insane persons, and children born after their parents have become insane. No woman under 45, nor any man unless he marry a woman over 45, either of whom are epileptic, imbecile etc. shall marry and it is also made unlawful to marry such persons. A penalty of fine or imprisonment, or both is provided. In Michigan, ch.257 amending C.L. '97 §8590-91 prohibits marriages of first cousins in addition to those previously prohibited.

License. In Delaware, ch.281 amends R.C. '93 ch.9 § 16 by repealing the provision requiring the clerk or justice granting a marriage license to take a bond to the state. In Nevada, ch.45 amends C.L. '00 §490 relating to recording of marriage certificates and provides that persons solemnizing marriages, failing to make and deliver to the recorder a certificate thereof, or a recorder whose legal fees have been tendered to him, failing or neglecting to record such a certificate, shall be guilty of a misdemeanor. In New Hampshire, ch.93 provides that nonresidents shall file notice of intention of marriage five days before issuance of a certificate by the clerk. In Oregon, p.99 provides that any person solemnizing a marriage shall make and deliver a certificate thereof within one month to the county clerk who issued the license and also to the county clerk where the marriage took place, with form and provisions as to fees. In Pennsylvania, ch.75 provides that the clerk of the court shall question appli-

[1] See also Summary of Legislation, 474.

cants for marriage licenses on oath as to legality of the marriage, their ages, the consent of parents or guardians if under age, and as to any prior marriage and its dissolution, and shall grant a license if no objection appear, or this may be done before other designated officers. In Virginia, ch.291 makes liable to a fine any minister violating the provisions of the act requiring the person celebrating the marriage to return within two months the license and certificate of the clerk, together with his own certificate to the clerk. In Wisconsin, ch.305 provides that the judge may charge a $2 fee for authorizing marriage without the prescribed license or the delay of five days after issuing of the license.

Ceremony. Solemnization. In California, ch.217 amends C.C. §70 adding the judge of a Police Court to the list of those who may solemnize marriage. In Michigan ['03 ch.139] the judge of Probate Court in the county where chosen, or judge of a municipal court in the municipality in which he was chosen, and in Wisconsin ['03 ch.32] likewise police justices and probate judges are added to the list of those who may solemnize marriage.

Divorce

In Indiana, ch.48 provides that the Superior and the Circuit Courts may grant separation from bed and board for a limited time for adultery, if not the result of connivance or consent and if the plaintiff is not guilty thereof; for desertion, where the wife is plaintiff; for neglect or refusal to provide for her suitably for six months; habitual cruelty of one party to the other or such constant strife of both parties as to render their living together intolerable; for habitual drunkenness; for neglect of conjugal duty. The court is given authority to provide for the children and it is a misdemeanor for the parties to cohabit during the time covered by the decree.

In Maine, ch.209 amends R.S. '83 ch.60 §6 so that the husband obtaining a decree of divorce for the fault of the wife shall be entitled to one third in common and undivided of all her real estate except wild lands, which shall descend to him as if she were dead.

In Arizona, ch.33 adds to the causes for divorce, wilful desertion for one year, habitual intemperance, excesses, cruel treatment or outrages, failure to provide wife with necessaries for one year, conviction of a felony or infamous crime before marriage if unknown to plaintiff, and pregnancy of wife by another man at time of marriage without husband's knowledge.

In Idaho, '03 p.332 amends '99 p.232 under which a divorce was obtainable for permanent insanity, if the insane defendant shall be confined in the insane asylum of the state, adding "or of a sister state or territory," and the plaintiff's term of actual residency is made one year instead of six years.

In Pennsylvania, ch.257 supplements P. & L. Digest '94 p.1644. The causes for divorce are desertion without reasonable cause for two years, adultery, personal abuse or such conduct as to render the condition of the other party intolerable and life burdensome or when the husband has endangered the wife's life by cruel and barbarous treatment or offered her such indignities as to render her condition intolerable and life burdensome and thereby forced her to withdraw from his house and family. The applicant for divorce must have been a citizen of Pennsylvania and have resided in the state one year when the cause occurred. Chapter 23 amends '91 ch.130, and enumerates as the crimes for which divorce may be obtained: conviction, within or without the state, as principal or accessory, before or after the fact, of arson, burglary, embezzlement, forgery or other infamous crime, kidnaping, larceny, murder in the first or second degree, voluntary manslaughter, perjury, rape, robbery, sodomy, buggery, treason or misprison of treason.

In Utah, ch.43 amends R. S. '98 §1208 providing for divorce on grounds of permanent insanity. The act provides that no such decree shall be granted unless the defendant shall have been adjudged to be insane by legally constituted state authority within five years; that it shall appear to the satisfaction of the court that the insanity is incurable; the court shall appoint a guardian ad litem, [illegible] service of summons and complaint must be made; the county attorney shall investigate the facts and defend the [illegible] shall have power to grant alimony, to care for the

estate and the children, as in other divorce cases; the defendant may be brought into court and examined by competent physicians.

Remarriage. In California, ch.158 amends C. C. §61 by providing that a subsequent marriage is illegal, unless the former marriage has been annulled or dissolved, and no marriage shall be contracted within one year after the entry of an interlocutory degree of divorce. In Idaho, '03 p.10 amends R. S. '87 §2426 by providing that the former marriage of either party must have been annulled or dissolved more than six months before remarriage.

Trials. Procedure. In Montana, ch.73 forbids advertising etc. to procure divorce, with punishment by fine or imprisonment or both.

In California, ch.67 provides that the court must file its decision and conclusions of law in divorce cases, with final judgment if no divorce is granted, with interlocutory judgment if a divorce is granted from which an appeal may be taken within six months. Final judgment may be entered one year after interlocutory judgment, but not till after disposal of any appeal taken. Death of either party after interlocutory judgment does not impair power to enter final judgment, but such entry shall not validate any marriage before such final entry nor constitute any defense against a criminal prosecution.

In Colorado, ch.102 amends '93 ch.80 by adding that, if the party committing the act for which divorce may be granted is without the state or conceals himself from service of process, the plaintiff may apply to the court to make such service by publication.

In New York, ch.488 amending C.C.P. §1774 relating to judgments in matrimonial actions adds that the interlocutory judgment may in the discretion of the court provide for the payment of alimony till the entry of final judgment and may include judgment for costs, but such judgment for costs shall not be enforcible by execution or punishment till entry of final judgment.

In Tennessee, ch.197 provides that in suits for absolute divorce brought by women unable to give bond, the clerk of the court having jurisdiction may accept a cash deposit in lieu thereof, not to

exceed $6, and suits for divorce from bed and board may continue to be prosecuted *in forma pauperis.*

In Virginia, ch.95 and 297 provide that when three years shall have elapsed after entry of a decree for divorce from bed and board on any other ground than that of desertion, and in case where desertion is the ground for divorce, when three years shall have elapsed from the time of such desertion, on application of the party injured and the production of satisfactory evidence, the court may merge the decree into one for divorce from the bonds of matrimony provided the court shall be of opinion that no reconciliation has taken place and that a separation has continued without interruption since the granting of the divorce.

Family property

In Colorado, ch.75 provides that a chattel mortgage on or any sale of household goods used by the family, or any mortgage or deed of trust on a homestead by husband and wife residing together shall not be valid unless executed or made by both husband and wife: ch.114 amending Ann. S.'91 §2133, 2137 provides that in case the husband is the owner of the homestead the wife may cause the required entry in the margin of the record title thereto to be made and recorded; and if the wife is the owner, the husband may do so, but the husband may mortgage or convey, unless the wife occupying the homestead make the usual separate acknowledgment; but no such mortgage or conveyance shall bind the husband unless he sign and acknowledge it.

In Connecticut, ch.9 amends G.S. '02 §4546 making both husband and wife liable for the reasonable and necessary services rendered the husband, wife or minor child while residing in their family and for the rental of any tenement or premises actually occupied by husband and wife as a residence etc.

In Florida, ch.42 makes effectual all deeds of real estate heretofore or hereafter made by husband direct to his wife, unless made in fraud of creditors or to avoid payment of a legal debt or claim; the act does not apply to any deed the validity of which is being tested in the courts.

In Indiana, ch.214 provides that after making affidavit that the purpose in securing a loan on a promissory note was for her personal advantage, a married woman can not claim that the loan was made for the benefit of another person.

Dower. In Maine, ch.75 provides that if the election provided for in '95 ch.157 §5 is not made within six months after probate of a will, and the estate is thereby rendered insolvent and commissioners are appointed, such election may be made within six months after the appointment of such commissioners without affecting any title to real estate acquired from the executor or administrator c.t.a. but the widow or widower may recover, if not paid within 30 days after demand in writing, one third of any sums received from real estate sold before such waiver was filed. In Maine also, ch.160 amending '97 ch.221 §1 provides that when provision is made in the will of a testator or testatrix for his widow or her widower, he or she, may within six months after probate of such will waive such provision by filing written notice thereof in the Probate Court and shall receive the same distributive share of the personal estate as provided by law in the case of intestate estates. When no such provision is made the survivor shall likewise have the same distributive share as before if he shall within six months after the probate of such will make, sign and file in the Probate Court written notice of claim.

In New York, ch.368 amends C.C.P. §2351, 2361 as to bond of committee of lunatic etc. providing that application to release an inchoate right of dower of a lunatic, idiot or habitual drunkard may be made by the committee appointed under the act in any case where the property has been already sold by the husband of such lunatic etc. and the wife has not joined in the conveyance or otherwise released her inchoate right of dower; if application be made by husband, the court may appoint him special guardian and he must file a bond. When such a release is to accompany a sale by the husband of the property, the court shall order investment of one third of the amount realized.

Property rights of married women. In Wisconsin, ch.15 enables married women with the written consent of the person effecting the insurance to assign, encumber or dispose of their interest in any policy of life insurance, as if unmarried.

In Idaho, '03 p.345 amends R.S. '87 §2495 adding to the sepa rate property of the wife that which she shall acquire with th proceeds of her separate property, to the same extent and wit the same effect as the similarly acquired property of a husband

In Vermont, ch.45 exempts rents, issues and products of th real estate of a married woman, moneys arising from the sal of real estate etc. during coverture, from attachment or levy o execution for the sole debts of the husband. Such annual prod ucts may be attached or levied on for the husband's debt fo necessaries for the family, etc.

Rights when wife or husband is insane. In Delaware, ch.44 provides that any married woman, seized of real estate in he own right, whose husband is insane may petition the chancello who may appoint a trustee for such insane husband to join wit the wife in a deed or mortgage of said wife's real estate, an such a deed shall bar his estate as tenant by curtesy.

In Utah, ch.105 authorizes husband, on insanity, idiocy or othe mental incapacity of a wife continuing more than two years c becoming incurable, to apply to the District Court by petitio under oath for the appointment of a guardian to join in a co veyance of real estate of wife.

Support of family. In Colorado, ch.142 makes it a misdemeano to fail wilfully, refuse or neglect to provide proper food, clothing shelter or care in case of sickness for wife or minor child. An justice of the peace of the county may issue a warrant on com plaint under oath of a violation of this act, subject to right o appeal on trial, as in cases of assault and battery; a wife ma be a witness against her husband in such cases. In the sam state, ch.148 makes it a misdemeanor in one of sufficient abilit to fail to support destitute parent incapable of self-support.

In Illinois p.155 makes it a misdemeanor to abandon wife o minor children and to neglect to provide for them, punishable b fine or imprisonment or both. Fine may be ordered paid in whol or in part to wife or guardian of minor children, or bond may b given with condition to pay a weekly sum for their support, o probation; wife is made a witness in cases under this act.

In Michigan ch.39 makes it a felony to desert wife and minor children under 15, leaving them a burden on the community and departing the state; on conviction, defendant may give bond to furnish them with necessaries on probation; wife is made a witness in cases under the act.

In Minnesota ch.222 provides that on complaint on oath to a justice of the peace or judge of the Municipal Court by a wife, of wilful omission of husband to furnish necessaries to wife or minor child under 15, warrant to appear shall issue. Accused may pay or secure a sum to the wife satisfactory to the judge and give bond to furnish necessaries. If he fail to comply with the preceding he may be ordered to enter into a recognizance with sureties to appear and answer, etc. or failing to do this, he shall be committed to jail and tried, with power to punish him for contempt on failure to obey order of court after trial.

In Nebraska ch.137 provides that one who without good cause abandons his wife or children under 16 and neglects to provide for them, shall on conviction, be deemed guilty of desertion and be punished by fine and imprisonment. After conviction and before sentence he may enter into bond to provide necessaries, and if he fail to do so he may be brought into court on warrant with power given to the court to modify the order, take a new bond and further suspend sentence.

In New Jersey ch.216 makes it a misdemeanor punishable by fine or imprisonment, with or without hard labor, not to exceed one year, to desert or wilfully refuse to provide for wife or minor children, and the wife may testify against the defendant.

In New York ch.13 authorizes criminal court to compel a father of a child committed to an institution to contribute toward his support. Chapter 274 amends Crim.P. §483 by authorizing the magistrate to suspend the requirement to find surety on undertaking to pay a fixed sum weekly for the support of wife and children if unable to pay it, and to place defendant on probation. Chapter 376 amending Pen.C. §287 changes the age from 6 to 14 of child, the abandonment of whom by a parent or other person caring for him is punishable by imprisonment for not more than seven years.

In Pennsylvania ch.32 makes it a misdemeanor for one, being within the state, to separate himself from wife or children without reasonable cause and to fail to provide them with necessaries, punishable by fine or imprisonment or both, or the court may direct the fine shall be paid in whole or in part to the wife or children. Sentence may be suspended during compliance with the order of the court for the support of the family, on bond of the defendant with surety. The wife can testify in the proceeding against the husband under this act.

In Vermont ch.123 amends S.94 §5157 under which a man was punishable for neglect to provide necessaries for his wife and children subject to a penalty of $20 a week, by adding to the penalty, imprisonment not more than 6 months or both in the discretion of the court.

Children: adoption, custody, legitimation.

In California ch.102 amending C.C. §224, as to adoption of abandoned children without consent of parents, adds the provision that consent is not necessary if parent be habitually intemperate, and defines an abandoned child and its adoption without parent's consent if nonresident.

In Indiana ch.24 authorizes judges of the Circuit and Superior Courts in divorce cases to place children under 16 in the orphans home in the county, when the parents are unfit or unable to care for them.

In Kansas ch.361 amends G.S. '01 §4187 relating to adoption of minors: any person may appear in the Probate Court of the county of his or her residence and offer to adopt any minor child; the court shall thereupon investigate the matter, require attendance of the minor and parent or guardian, who may consent to the proposed adoption and the court may approve, or disapprove; if the parents are divorced, consent of the one having custody of the minor child is necessary; compliance with G.S. '01 §4212 necessary before adoption can be permitted of a child sent into the state by any society etc. from another state.

In New York ch.225 amends C.C.P. §1749 relative to the legitimacy of issue where the marriage is annulled, by adding that the

child of a marriage annulled, because one of the parties had not reached the age of legal consent, shall be deemed the legitimate child of both parents.

In North Dakota ch.124 amending R.C. '99 §2800, relating to the adoption of a minor child, provides that if a child under 4, in the care of persons other than its parents for two years or more, who have refused to support it, may be adopted by such custodian with the consent of the mother, or on due proof of such failure to support as above, the consent of the parents is not necessary.

In Utah ch.82 provides that in case of separation of parents of minors, the mother shall be entitled to their care. If 12 years old and of sound mind, the child shall elect to which parent it will attach itself. The court may award the custody to the father or other person, if it find the mother to be unfit.

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GENERAL BUSINESS CORPORATIONS

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In much of the corporation legislation of 1903, as in that of other recent years, there appears a marked tendency toward greater liberality than formerly prevailed. On the other hand several states have in their enactments sought, even sometimes in the same statutes with the more liberal provisions, to check abuses which have become conspicuous in these days of wholesale promotions, and to provide safeguards for stockholders and investors.

General revisions of corporation laws. Massachusetts ['03 ch.437], Virginia ['03 ch.270], Michigan ['03 ch.232] and Nevada ['03 ch.88] have enacted general corporation laws which make decided changes in their former practices. Connecticut ['03 ch.194] and Delaware ['03 ch.394] have reenacted their general laws but have made only minor amendments. In a broad way it may be said that the Massachusetts, Michigan and Nevada laws apply to practically all manufacturing and commercial corporations and to many other classes; but with the exception of certain financial and public service corporations, the excepted classes differing in each state. In Virginia the new law contains special chapters applying to railroads and to other public service corporations. The previous laws in Massachusetts were elaborate but were usually considered unduly restrictive. In Virginia there was formerly no general incorporation law, but corporations were organized by special statutes. In Michigan and Nevada the new laws are much more detailed than those which they replace. The Nevada and Virginia laws follow in general the New Jersey statute; that of Massachusetts, while in some respects less restrictive than that of New Jersey, demands much more publicity; the Michi-

gan law is more stringent than the other new measures mentioned.

Government of the corporation. Nothing particularly striking appears in the legislation of 1903 with reference to the general method of organization and government of corporations. In Massachusetts, Virginia, Michigan and Nevada alike much latitude is left to the corporation in determining by its articles of incorporation and bylaws how it shall be administered. In each case amendments to the articles require the consent of two thirds of the stock. In Nevada and Virginia the power to make bylaws may be conferred on the board of directors by the corporation, but in Virginia it is specifically provided that the stockholders may alter or repeal bylaws so made. The Virginia law permits corportions in their articles to provide for cumulative voting for the election of directors, while in Nevada this method must be pursued unless the articles provide otherwise. Massachusetts apparently does not contemplate cumulative voting though the statute does not clearly exclude it. In California, where cumulative voting has long been the rule for domestic corporations, a new statute requires foreign corporations which hold their elections in the state to employ the same system ['03 ch.215].

Issue of stock. The general laws of Massachusetts, Virginia, Michigan and Nevada contain interesting provisions regarding the issue of stocks. In all of them the issue of preferred or special classes of stocks is authorized, this being a new provision in each instance. In Michigan and Nevada the amount of preferred stock is limited to two thirds of the total stock issue, and in Michigan the dividends must be cumulative, but in Massachusetts and Virginia these matters are left to the determination of the corporation itself.

The total amount of capital of a corporation is not limited by the new law of Massachusetts (which herein departs greatly from the former restrictive policy), nor by those of Virginia or Nevada, but in Michigan it may not exceed $25,000,000. The laws of the three states first mentioned moreover contain no requirement regarding the proportion of the capital stock which shall be sub-

scribed or paid in before the commencement of business, but in Michigan 50% of the authorized capital must be subscribed and 10% of the subscriptions must be paid in.

Massachusetts in accordance with the recommendations of her special commission of 1902 has abandoned the attempt to restrict the issue of securities to the cash paid in or the actual value of property or services received. It relies for the protection of the investor on the requirement that the amount of stock issued for cash and for each item of property or services shall be reported to the state, together with the amount paid in on each share and a precise description of such property or services. The requirements in Virginia are similar, but here it is at least implied that the amount of stock issued for property or services shall not exceed their value, the statute declaring that in the absence of fraud the judgment of the directors with reference to such value shall be conclusive. The Michigan law permits the issue of stock for cash or property only and demands an itemized report to the state regarding the property. In this state also, in accordance with the usual custom, the judgment of the directors as to the value of property is conclusive in the absence of fraud. The Nevada law is similar to that of Michigan except that the description of the property or services taken for stock must merely be entered in detail on the records of the corporation, and not reported to the state. In this state there is a further provision that no stock shall be sold at less than par without the consent of three fourths of all the outstanding stock.

Several other states during 1903 adopted legislation affecting the method of paying for stock. In Connecticut the provisions of the general act of 1901, requiring that at least 50% of the authorized capital should be subscribed and at least 20% of the subscriptions paid in before beginning business, were repealed in 1903, leaving the regulation of these matters wholly to the corporation. In this state, however, the certificates of ownership of shares are not issued till the shares are fully paid, a temporary certificate setting forth the fact of partial payment being given instead. The clause in the law of 1901 which demanded a report

to the state of the amount and character of property taken in exchange for stock is also omitted from the new statute, but the directors must sign on the record books of the corporation a statement describing such property and declaring that it has a value equal to the amount of stock issued for it. The increased leniency shown in this revised law is not manifested toward mining and oil companies. By a new act ['03 ch.196], before any such corporation, wherever organized, may sell or offer for sale its shares in Connecticut, it must file a statement with the secretary of state showing its financial condition, the location of its properties, the amount of cash spent for improvements and the condition of the plant. It is believed that no statute of this character has been enacted elsewhere in the United States.

In Delaware a constitutional amendment has been proposed ['03 ch.254] which if adopted will wipe out the requirement that "neither labor nor property shall be received in payment for stock at a greater price than the actual value at the time," thus permitting this state to follow in the footsteps of Massachusetts. In Oregon ['03 p.212], where formerly the corporation laws were silent on this point, an act of 1903 permits the acceptance of property for stock. The judgment of the directors, unless fraudulent, is conclusive, but in all statements of the corporation stock issued for property must be reported "in this respect according to the fact."

Reports. The new corporation laws show perhaps a slight tendency toward requiring greater publicity of corporate affairs, but it can not be said that any very marked advance has been made. The Massachusetts law does not demand any other report to stockholders than that which must be made to the state authorities, nor are they granted access to the corporation's books and accounts. The report to the state is slightly more detailed than that required under the former law; its most important feature is a balance sheet of moderate fulness. If the corporation has a capital of more than $100,000 this report must be accompanied by a certificate of correctness from an independent auditor selected by a committee of three stockholders who are not

directors; this provision follows that of the English laws. The reports to the state required by the Virginia law are of an almost purely formal character, nor are reports to the stockholders required. In Nevada the new law contains nothing whatever regarding reports. In Michigan the annual reports to the state must show among other items the amount of stock issued for property, the amount invested in real and personal property respectively and its present estimated value, the amount of debts and credits, the estimated actual value of the credits and the names of the stockholders with their holdings. Moreover corporate officers are required to make annual reports to the stockholders showing the condition of the business, and all the records and books of the corporation must be open to the stockholders. The degree of publicity thus provided for is greater than in any other important state.

Liabilities of stockholders and directors. One of the most significant events of the year in corporate legislation was the adoption in Ohio of the constitutional amendment doing away with the double liability of stockholders ['02 p.961]. In Kansas, which is one of the two or three states still retaining double liability, some of the statutory provisions regarding the method of enforcing it have been repealed ['03 ch.152].

The general corporation laws of Massachusetts, Michigan, Virginia and Nevada all impose penalties of one sort or another on officers or directors of corporations who assent to any false or fraudulent statement regarding its affairs. The Nevada statute is particularly detailed in this respect. It adds to the usual provisions penalties for false bookkeeping of any sort. A new law in Washington ['03 ch.93] is also strenuous in regard to deceptive practices by officers and promoters of corporations; penalties are imposed for giving out any statement or prospectus tending to give a fictitious value to a company's securities. A New Jersey act ['03 ch.182] declares that any officer or promoter who has made a profit or received a bonus in connection with any transaction with the corporation without disclosing the fact and obtaining the approval of the corporation shall be liable to the

corporation to the amount thus obtained, but only within four years after the event. It may be doubted whether this law really creates any new remedy against abuses, while the limit of time set will probably serve to lessen the effectiveness of the previously existing remedies.

The provisions of the four new general corporation laws with regard to the liability of officers and stockholders in case of the payment of unearned dividends differ materially from one another. The Massachusetts law is less stringent than the others it merely declares that the directors shall be personally liable for the debts and contracts of the corporation, if they assent to the payment of a dividend by which the corporation is rendered insolvent, to the extent of such dividend. In Nevada on the other hand, following the New Jersey statute, dividends may be paid only out of net profits, and directors assenting to a dividend by which the capital is impaired, whether bankruptcy ensues or not are liable not only to the creditors but to the corporation itself to the amount of such dividend. A provision of this sort should serve to check the practice of paying dividends temporarily out of capital in order to bolster up the value of stocks to the ultimate injury of investors. In Virginia both directors and stockholders are liable to creditors in case dividends are paid which impair capital, and in Michigan a somewhat similar provision is found. In Connecticut the former law prohibiting corporations from paying dividends in excess of 10% till a reserve fund of at least 20% is set aside has been repealed ['03 ch.194 §5, 91].

Miscellaneous provisions. Among numerous other provisions of less interest which are found in the new laws of 1903 a few only may be briefly mentioned.

The general law in Massachusetts requires a vote of two thirds of the stockholders of a corporation to authorize the sale of its entire property and franchises, or the change of the nature of its business, and dissatisfied shareholders may demand payment of the market value or appraised value of their shares. A new act in California ['03 ch.271] also declares that a two thirds vote of a corporation's stockholders is necessary to sell or lease its entire

property. Such laws as these are desirable to prevent the occasional usurpation of authority by boards of directors in such a way as virtually to destroy the existence of a corporation.

In Massachusetts and Nevada the new statutes require a two thirds vote of the stockholders of both to sanction the merger of two corporations, but in Virginia a majority vote only is required. In all these cases, as usual, dissenting stockholders may demand payment for their stock at its present cash value. In Indiana, on the other hand, where the laws were formerly silent regarding consolidation of business corporations, a new statute permits it only by unanimous vote of all the stockholders ['03 ch.220].

Several minor changes in laws relating to foreign corporations have been enacted, the general tendency being to impose greater restrictions on the right to do business in the state. A new Missouri law ['03 p.121] declares, somewhat naïvely, that no foreign corporation shall be licensed to do business if it has been organized by citizens of Missouri in order to avoid the laws of that state, "as it would be a fraud on the laws of both states, and its pretended incorporators would be held as partners and as such become liable for the debts of the alleged corporation."

Antitrust laws. Nothing novel in the way of antitrust legislation was enacted by the states in 1903. On the contrary Texas ['03 ch.94] has repealed several of the novel provisions which were inserted in her law of 1899. Some of these provisions had been held unconstitutional; others were apparently omitted in the fear that they might be so held, or because they had proved ineffective. Among the omitted provisions were the following: one prohibiting the sale of goods at less than cost, or giving them away, for the purpose of injuring a competitor; one demanding a sworn annual statement from every corporation that it was not connected with an illegal combination and had not violated the law; one relieving buyers from liability to pay for goods bought from an illegal combination; one requiring every corporation which owns or leases the patent on a machine to offer such machines for sale instead of reserving them for exclusive use; and one prohibiting press associations from refusing to furnish

despatches to papers. The revised law follows quite closely
Texas act of 1895 and those of several other states. Its def
tions of unlawful combinations and purposes are broad, leav
the interpretation to the courts. Tennessee ['03 ch.474] has a
a revised antitrust law, but with no important changes. In N
Hampshire a constitutional amendment [Const. pt2 art.82] l
been adopted which declares that "free and fair competition
the trades and industries is an inherent and essential right
the people," that the size and functions of corporations sho
be so limited as to prohibit fictitious capitalization, and that
just power possessed by the state is given to the Legislature
enact laws to prevent destruction of competition and to ch
overcapitalization.

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REVIEW OF LEGISLATION 1903 LEGISLATION BULLETIN 22g

Courts Isidor Loeb
Civil Procedure C. H. Huberich

COURTS[1]

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Tenure and term. During the period under review only a few acts were passed which affected the tenure of judges and no material change was made. The messages of the governors of Georgia and Montana [*Governors Messages*, 601e,h] condemn the existing method of electing the judges and the latter recommends that elections of judges be held at different times from general elections. Neither message, however, procured a favorable response from the respective Legislatures. In Colorado, a constitutional amendment ['03 ch.73] to be voted on in November 1904, proposes to abolish the Court of Appeals, consisting of three judges appointed by the governor, and to increase the number of judges of the Supreme Court, who are elected by the people. This change is doubtless chiefly influenced by considerations affecting the disposal of cases rather than by any question of tenure. In New Jersey, a constitutional amendment ['03 ch.177], which proposed among other things to have judges of the Court of Common Pleas appointed by the governor with the consent of the Senate instead of having them elected, as at present, by both legislative houses in joint session, was rejected by the people in September 1903.

While the legislation shows no positive tendency away from popular election, it is to be noted that in Virginia the new Constitution of 1902 [§91, 96, 99] retains the method of election of judges by joint vote of both houses of the Legislature, and recent

[1] *See also* Governors Messages and Summary of Legislation, 600.

constitutional amendments in Florida ['01 p.361, adopted Oc 1902; '03 p.639, vote Nov. 1904] affecting Circuit and Count Courts, provide that the new judges shall hold by same tenure a former judges, i. e. appointment by governor with consent c Senate.

Two proposed constitutional amendments provided slight i creases in the terms of appellate judges. In Colorado ['03 ch.7 vote Nov. 1904] the term is to be increased from 9 to 10 years. I New Jersey an amendment ['03 ch.177], which was rejected i September 1903 along with five other amendments affecting tl judiciary, proposed to increase the term of judges of the Court c Errors and Appeals from 6 to 7 years.

Compensation. Since 1900 there has been a noticeable tenden to increase the salaries of judges. In that year Massachuset ['00 ch.385] gave $1000 additional salary to the justices of tl Supreme and Superior Courts, making their salaries $8000 a $6500 respectively with $500 additional salary for the chief ju tice of each court. In the same year Ohio ['00 p.115] increas the salary of Supreme Court judges from $4000 to $5000 a in 1902 [p.8] this was again increased to $6000. In 1901 si ilar legislation provided increases in Delaware [ch.71] from $27 and $3000 to $4000 and $4500 respectively and in Wiscons [ch.138] for Supreme Court judges, from $5000 to $6000 and f Circuit Court judges, from $3000 to $4000. In 1902 not only w there the increase in Ohio noted above, but the salary Supreme Court judges was raised in Iowa [ch.12] from $4000 $6000 and in Mississippi [ch.109] from $3500 to $4500. Moreove the Virginia Constitution of 1902 [§103] fixed minimum salari of $4000 for judges of the Supreme Court of Appeals and $20 for judges of Circuit and City Courts.

In the year under review salaries have been raised in a lar number of states. Connecticut ['03 ch.163] gave $2000 addition salary to the justices of the Supreme and Superior Courts, maki a total of $6000 except for the chief justice of the Supreme Cou who receives $6500. In Indiana ['03 ch.9] the salaries of t judges of the Supreme and Appellate Courts, which had be $4000 and $3500 respectively, were increased to $6000. Mai

['03 ch.14] and North Dakota ['03 ch.194] raised the salaries of Supreme Court judges from $4000 to $5000. In Pennsylvania ['03 ch.134] a general act was passed increasing judicial salaries as follows: chief justice of the Supreme Court, from $8500 to $10,500; associate justices of the Supreme Court, from $8000 to $10,000; judges of the Superior Court, from $7500 to $9000. In the case of judges of the Courts of Common Pleas and of Orphans Courts, whose salaries were graded according to the population of their respective districts, there was an increase in the minimum salary from $4000 to $5000 and in the maximum from $7000 to $8500. In Utah ['03 ch.74, 86] in accordance with the recommendation of the governor [*Governors Messages*, 601a] and in Wyoming, under the provisions of a proposed amendment to the Constitution ['03 p.152, vote Nov. 1904], increases are provided in the salaries of District and Supreme Court judges from $3000 to $4000 and $5000 respectively, but in the former state it is expressly provided that no mileage or expense allowance shall be allowed to such judges. The governor of West Virginia called the attention of the Legislature to the inadequate salaries of the judges [*Governors Messages*, 601j], and in an act ['03 ch.23] making liberal increases in the salaries of a large number of state officers the salaries of the judges of the Circuit Courts and of the Supreme Court of Appeals were raised from $1800 and $2200 to $3300 and $4500 respectively. Doubtless in order to pave the way for more liberal salaries a proposed constitutional amendment in California ['03 p.737] respecting the judiciary strikes out the provision which fixes the salaries of the judges of the Supreme and Superior Courts and leaves the matter to be provided by ordinary legislation.

The tendency to increase judicial salaries extends to inferior courts, as is evidenced by some of the above provisions and by an act of North Dakota ['03 ch.76] which raises the salary of county judge in counties having less than 18,000 population from $1000 to $1600. In Florida also, a proposed amendment to the Constitution ['03 p.639, vote Nov. 1904] increases the salaries of judges of certain county courts of record from $1000 to amounts depending on the population of the respective counties and

ranging from $1000 in counties having less than 15,000 population, to $2400 in counties having more than 45,000 population.

The tendency has also made itself manifest in the case of federal judges. There has been a general criticism of the inadequacy of the salaries of such judges, which have been lower than the salaries of some state judges. The Commission to Revise the Laws of the United States submitted in 1901 a draft judicial code dealing with the organization and jurisdiction of United States courts. This provided large increases in the salaries of the judges, the adoption of which was strongly urged by the commission.[1]

In 1903 Congress ['03 ch.547] raised the salaries as follows: chief justice of Supreme Court from $10,500 to $13,000, and associate justices from $10,000 to $12,500; circuit judges from $6000 to $7000; district judges from $5000 to $6000; chief justice and associate judges of Court of Claims from $4500 to $6500 and $6000 respectively. The same act raised the salaries of judges of the Supreme Court and Court of Appeals of the District of Columbia from $5000 and $6500 to $6000 and $7500 respectively.

In some states additional compensation was practically provided by increases in the allowances for expenses [Ct. '03 ch.137; Or. '03 p.182; Ind. '03 ch.240]. In this connection it may be noted that, while in Missouri a proposed amendment to the Constitution ['03 p.283, vote Nov. 1904] requires railroad corporations to grant passes to judges and other state officers and an act of the Legislature of Delaware ['03 ch.287] repeals a law which prohibited judges from accepting favors from corporations, the act raising salaries of judges in West Virginia ['03 ch.23] expressly prohibits them from accepting passes from railroad corporations.

Overcrowding of court dockets. The increase in the business of the courts has led to a congestion of the dockets and to consequent delay in the determination of cases. The governors of California, Connecticut, Louisiana, Massachusetts, Nebraska and New

[1] 57th Congress, 1st session. Senate Documents, vol. 9, no. 68, part 1, p.3, 46, 130, 169, 170. The salaries recommended, which were larger than those adopted by Congress as indicated above, are as follows: district judge, $7500; circuit judge, $9000; justice of Supreme Court, $15,000 with $500 *additional for the* chief justice.

Jersey called attention to this condition and urged remedies [*Governors Messages*, 601d,f,g,i; 605b,d.] In recent years there has been a decided tendency to relieve the situation by the adoption of various expedients of a temporary or permanent nature. It has been chiefly in the appellate courts that the overcrowding of dockets has occurred. While there have been differences of detail in the remedies adopted, one or more of the following general methods have been accepted in most cases: (1) temporary commission to assist the court in clearing its docket; (2) establishment of intermediate appellate courts with final jurisdiction in cases of a certain character or of a limited amount; (3) increase in number of judges and provision for two or more divisions of court.

1 *Court commissions.* The plan of appointing a commission of lawyers to assist the court in disposing of accumulated cases is one which has been followed from time to time in a number of states. For a number of years California has had such a commission. It was established as a temporary expedient but on account of the inadequacy of the appellate system and the difficulty of amending the Constitution so as to remedy the defect [*see* Intermediate appellate courts, below] the commission has been reestablished at several successive sessions of the Legislature including the last one ['99 ch.14; '01 ch.113; '03 ch.161]. The commission consists of five members appointed by the Supreme Court for a term of two years. In 1901 the Supreme Court of Florida ['01 ch.21] was authorized to appoint a commission of three members for a term of four years and in 1903 Montana ['03 ch.14] provided for a similar commission. In 1901 Nebraska ['01 ch.25] established a commission of nine members appointed by the Supreme Court for a term of two years. Governor Mickey commends the work of the commission and urges that it be continued with not less than six members [*Governors Messages*, 605c]. The Legislature provided ['03 ch.37] for its continuance with six commissioners appointed for one year and three appointed for two years.

2 *Intermediate appellate courts.* A supreme court commission is intended in general either to meet a temporary emergency or to prepare the way for an enlargement of the judicial organi-

zation. In California as early as 1899 an attempt had been made to amend the Constitution for the purpose of establishing three District Courts of Appeal but the amendment was rejected by the people in 1900. In 1903 the governor urged the adoption of some method which would reduce the delay and expense of litigation [*Governors Messages*, 605b]. The Legislature accordingly proposed a constitutional amendment ['03 p.737, vote Nov. 1904] similar to the one submitted in 1899. It divides the state into three appellate districts each presided over by a District Court of Appeals consisting of three judges elected by the voters of the districts for terms of 12 years. The Supreme Court is deprived of its appellate jurisdiction from the Superior Courts in cases of forcible entry and detainer, in proceedings in insolvency, in actions to prevent or abate a nuisance and in ordinary cases where the demand amounts to $300 and is less than $2000 and jurisdiction over all of such matters is conferred on the District Courts of Appeal, but the Supreme Court may order any cause within jurisdiction of District Courts of Appeal to be transferred to the Supreme Court and may order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeals. The proposed amendment abolishes the present Supreme Court Commission on the expiration of its present term of office and takes away from the Legislature the power to create any other such commission.

Intermediate courts of appeal now exist in Illinois, Indiana, Louisiana, Missouri, New York, Pennsylvania, Tennessee and Texas. In Michigan a constitutional amendment creating such a court was rejected by the people in 1899. In Kansas the Courts of Appeal expired by limitation at the time the number of judges of the Supreme Court was increased (see below) and in Colorado on the recommendation of the retiring as well as the incoming governor [*Governors Messages*, 601b,c] a constitutional amendment was proposed in 1903 [ch.73, vote Nov.1904] which will, if ratified, abolish the Court of Appeals and increase the number of judges of the Supreme Court (see below). In Missouri an act ['03 p.286] creating a third Court of Appeals district failed by reason of a pocket veto of the governor. While not

falling strictly under this head, it may be noted in this connection that in New Hampshire, where formerly the Supreme Court held trial as well as law terms, the situation was relieved in 1901 [ch.78] by the creation of a Superior Court to which was given the jurisdiction at trial terms, while the Supreme Court retained the jurisdiction over questions of law.

Most of the intermediate courts of appeal have final and exclusive appellate jurisdiction over all ordinary cases not exceeding a certain amount in value, which ranges from $1000 in Illinois to $4500 in Missouri. The maximum amount in Missouri was recently ['01 p.107] raised from $2500 but in 1902 in Louisiana the people rejected a constitutional amendment ['02 ch.126] which proposed, among other things, to increase the maximum from $2000 to $5000.

3 *Increase in number of judges and provision for divisions of court.* The plan of establishing intermediate courts of appeal has been regarded with disfavor in many cases. As it is necessary, in order to preserve uniformity in the law, to permit appeals to be taken to the Supreme Court in cases where a decision of an intermediate court is in apparent conflict with a decision of a higher court, it follows that some litigants are compelled to carry their cases through an additional tribunal with increased delay and expense. The recent legislation shows a tendency in favor of the plan of increasing the number of judges of the highest court and authorizing this court to sit in divisions as well as *en banc* for the disposition of cases. In some instances the adoption of this method has been accompanied by the abandonment of a temporary commission or the abolition of an intermediate court of appeal.

In Indiana a constitutional amendment ['99 ch.260] providing that the number of judges of the Supreme Court should be between 5 and 11 instead of between three and five, received a majority vote in 1900 but as this was not a majority of the total vote for governor the amendment failed. In the following year ['01 ch.247] the number of judges of the Intermediate Court of Appeal was increased from five to six. In Kansas a constitutional amendment ['99 ch.314] was adopted in 1900 which increased the number

of Supreme Court judges from three to seven, while Oregon in the same year rejected a similar amendment ['99 p.143] increasing the number from three to five. In 1901 Washington [ch.168] added two additional judges to the Supreme Court for a short period, while in New Jersey ['01 ch.52] the chancellor was authorized to appoint two additional vice chancellors.

In the year under review legislation in Florida ['03 ch.19] and West Virginia ['03 ch.19] carried into effect the constitutional amendments [Fla. '01 p.360; W. Va. '01 ch.153] adopted in 1902 increasing the number of judges of the Supreme Court from three to six and four to five respectively. In Michigan ['03 ch.250] where in 1899 a proposition to establish an intermediate court of appeal was rejected by the people (see above), the number of Supreme Court judges was raised from five to eight, while in Wisconsin a constitutional amendment ['03 ch.10], first proposed in 1901 and adopted in April 1903, fixed the number at seven instead of five. During the same year constitutional amendments to be voted on in November 1904 were proposed in Arkansas ['03 p.482] and Colorado ['03 ch.73] increasing the number of judges of the Supreme Court from five to six and three to seven respectively. In Colorado the amendment proposes to abolish the existing Court of Appeals.

In Arkansas, Colorado and Florida the above acts made provision for enabling the Supreme Court to sit in divisions as well as *en banc* and in Indiana it was provided that the intermediate Appellate Court should sit in two divisions. In New Jersey a constitutional amendment ['03 ch.177], making similar provision for the Supreme Court, was rejected in September 1903 along with five other amendments, affecting the judiciary, the adoption of which had been strongly urged by the governor on account of the overcrowded dockets of the courts [*Governors Messages*, 601i]. In Kansas and Michigan the above acts provide that cases need not be heard by the entire court, but in the former state four judges must concur while in the latter, if only five judges participate and there is a dissenting opinion, the parties may demand a rehearing by the entire bench.

Inferior courts. The increase of litigation has also necessitated changes in the organization of courts of original jurisdiction. In Arkansas ['03 ch.166] the number of chancery circuits was increased from 6 to 11 and provision was made for holding separate chancery courts in each county. In Florida ['03 ch.15] the number of judicial circuits was raised from seven to eight in accordance with the amendment to the Constitution ['01 p.361] adopted in 1902. The Virginia Constitution of 1902 [§94] increases the number of circuits from 18 to 24 and West Virginia ['03 ch.20] added 5 additional circuits making 18 in all. In Wisconsin ['03 ch.435] provision was made for a body of five commissioners to investigate the volume of legal business in the several judicial circuits and to report a bill to the next Legislature redistricting the state so as to equalize the labors of the several judges.

For a number of years the calendars in the 1st and 2d judicial districts of the Supreme Court of New York have been overcrowded and governors have urged that measures be taken to relieve the situation [*Governors Messages*, 1902, p.291, 292; 1903, 601a]. In 1899, 1900 and 1901 constitutional amendments ['99 p.1599; '00 p.1645; '01 p.1806] which proposed to increase the number of justices in one or both of these districts were passed by the Legislature but the succeeding Legislatures failed to repass and submit them to the people. In 1902 [ch.485] the governor was authorized to appoint seven commissioners to investigate the causes of delay in disposition of cases in New York and Kings counties which are included in these districts, and to suggest necessary legislation. At the same session a constitutional amendment ['02 c.r.2] was passed which authorizes the Legislature to increase the number of justices in any Supreme Court judicial district not to exceed one for each 60,000 or fraction over 35,000 of the population thereof except that in the 1st and 2d districts the number shall not be increased to exceed one for each 80,000 or fraction over 40,000 of the population thereof. This amendment was repassed by the Legislature in 1903 [p.1452] and will be submitted to the vote of the people in November 1905.

CIVIL PROCEDURE[1]

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No distinct innovations mark the legislation relating to civil procedure during the period covered by this review. There is observable a tendency to shorten the periods of limitations of actions, and to place absolute limits on the time in which limitation does not run on account of some incapacity in one of the parties to the suit. In the matter of service of process on domestic and foreign corporations there is to be noted an effort to facilitate such service by extending the classes of persons who may be served as representatives of the corporation. In the enactments on the jury system there is shown an extension of the exemptions from service, and an increase in the fees and allowances for expenses of those who actually serve, as well as some well-directed efforts to mitigate the evil of the professional juror. On the other hand, there is a notable absence of laws allowing verdicts to be returned without the concurrence of all the jurors. A recommendation for the submission of a constitutional amendment providing that in civil cases a verdict may be returned on the vote of three fourths of the jurors, made by Governor Orman of Colorado, was not productive of any results.[2] Lastly, the legislation shows a tendency to increase the classes of persons who may be admitted to testify, and a decided reduction of the amount and classes of property exempt from attachment and execution.

Publication of legal notices. Acts relating to the publication of legal notices were passed in Minnesota, Tennessee and Wisconsin. The Minnesota law ['03 ch.322] provides that in order to constitute a legal newspaper within the state for the publication of legal notices the paper must have been admitted as second-class mail matter for at least one year, and continue to be received as such. The Tennessee act ['03 ch.70] amends the law enacted

[1] *See also* Governors Messages and Summary of Legislation, 695.

[2] A legislative enactment to this effect was passed in 1899 but was held unconstitutional. City of Denver *v.* Hyatt, 63 P. 403.

in 1901 so as to provide for notice by publication in case of non-residents, and the Wisconsin act ['03 ch.78] provides that in cities of the first and second class, and in counties with a population of over 250,000, newspapers in order to be entitled to compensation for the publication of legal notices must have been published continuously for at least two years next preceding the date of the notice, and must have a circulation to paying subscribers amounting to not less than 5% of the registered vote.

Commencement of action. An act of South Dakota ['03 ch.118] permits suit to be brought by one person against another for the purpose of determining an adverse claim which the latter makes against the former for money or property under an alleged obligation, or to compel the defendant to pay a debt for which plaintiff is surety.

Limitation. The general tendency to shorten the periods of limitation, already noted, is specially observable in the legislation respecting the time in which suit must be brought for personal injuries or for the enforcement of rights created by statute. In Arizona ['03 ch.16] a period of limitation of one year has been provided for actions based on a liability created by statute, other than a penalty or forfeiture, and for actions for relief on the ground of fraud or mistake. California ['03 ch.160] has enacted that in cases where a person is prevented by minority, insanity, or imprisonment from prosecuting or defending his rights, he shall have five years after the removal of the disability for such purpose, provided that such period of disability does not exceed 20 years. Connecticut ['03 ch.149, 193] provides that suits for injury to person or property, or for injuries resulting in death, must be brought within one year from the date of the act complained of. The new law is operative against all classes of defendants, whether natural persons or corporations, and reckons the period of limitation from time of the neglect or injury, even though the full consequence, e. g. the death, does not occur till a subsequent time. Idaho ['03 p.56] adopts a period of limitation of two years for actions for personal injuries, and North Dakota ['03 ch.2] a period of six years for the foreclosure of mechanics liens. Wash-

ington ['03 ch.24] enacts that in actions brought in the name (for the benefit of the state no limitation may be pleaded nor ar claim predicated on lapse of time; and this even though und(some preceding statute the defense or right may have become ful operative.

Summons. Process. In the matter of service of process (domestic corporations, Arkansas ['03 ch.105] has enacted that suits against mutual or assessment insurance companies by policy holder or beneficiary, service on the president, secretary (managing agent shall be sufficient to bring the company in court. South Dakota ['03 ch.119] permits service by publicatio after affidavit properly made, in cases where a domestic corpor tion has or claims any interest in real or personal proper within the state, and such corporation has ceased to do busines and the last known officers of the corporation have departed fro or do not reside within the state. Texas ['03 ch.47] now permi service on any agent representing a corporation or joint sto(association, where the president, secretary or treasurer do n reside in the county where the suit is brought and the company h no agent in such county. West Virginia ['03 ch.9] now permi service of process, where the officers named in the statute a absent from the county, on *any* officer or agent of the corporati(in the county in which the property in controversy is located where the action arises. The Wisconsin law ['03 ch.190] allo service on domestic corporations who have no officer or age within the state, by depositing duplicate copies of the summo in the office of the secretary of state, one copy to be filed in sa office, and one to be immediately mailed, postage prepaid, a dressed to the company at its office as designated in the charte In addition, service by publication, and personal service on t president, vice president, secretary, cashier, treasurer, direct or managing agent must be had.

Against foreign corporations and joint stock companies t Kansas act ['03 ch.381], supplementing the existing laws on t subject, permits the institution of suits by the delivery of a ce tified copy of the summons to any officer, agent or employee

the company, whenever such company has no office or place of business within the state. The New York law has been amended ['03 ch.311] so as to permit the summons on foreign corporations to be delivered to the vice president, assistant secretary, or assistant treasurer, in addition to the president, secretary, and treasurer, as heretofore.

Comprehensive acts in regard to service by publication in suits against unknown heirs, etc. involving real estate were enacted in Kansas and Washington [Kan. '03 ch.385; Wash. '03 ch.144].

Tennessee ['03 ch.501] enacts that a nonresident qualifying as executor or administrator within the state shall be deemed, in reference to his official duties, a resident of the state, and notice of suit left with the county clerk of the county in which such person qualified, is sufficient, provided that said clerk notify the nonresident (who is required to leave his address) of such suit by mail. Wisconsin ['03 ch.20] authorizes justices of the peace to sign in blank summons and deliver them to any practising attorney, to be issued as occasion may require, and on the filing of such summons, at any time before the same is returnable with the justice signing the same, the case shall be docketed, and the docket entries have the same force as if made when the summons was issued.

Trial. Pleadings. Among the many acts relating to the pleading in and trial of a case the following are of more than local interest. A law of New Jersey ['03 ch.85] provides that the plaintiff in a suit against a corporation need not prove the fact of incorporation except in cases where the defense is that no such corporation exists. The existence of a corporation which is a party to a suit is assumed unless put in issue in the pleading. A Tennessee act ['03 ch.17] provides that in cases which have been removed from the state courts to the federal courts, and then remanded to the state courts, all pleadings, depositions, and proofs filed in the federal court during the pendency of the suit are to be given the same effect as if originally filed in the state courts. Connecticut ['03 ch.42] permits the removal of the files of records in a civil action brought before a justice of the peace,

but not finally disposed of by reason of the death or disqualification of such justice, to any other justice's court within the town.

North Dakota ['03 ch.5] provides that actions instituted in courts of record, and not brought to trial within five years shall be deemed dismissed. An act of Pennsylvania ['03 ch.158] prohibits the plaintiff in civil actions from suffering a voluntary nonsuit after the jury have agreed on their verdict, sealed the same, and separated, unless by special permission of the court. Wisconsin ['03 ch.119] permits a party litigant in civil causes in courts of record to apply to the court or the presiding judge thereof for an order of inspection by such party or his witnesses of any real or personal property in the possession or control of the opposite party, where the inspection is deemed material or necessary to the proceedings.

Michigan ['03 ch.245] prohibits a circuit judge in judicial circuits having two or more such judges, from sitting in cases in which he is related within the third degree of consanguinity to the attorneys of either party. The California Code of Civil Procedure §57, relating to appeals to the Supreme Court, has been amended ['03 ch.62] so as to provide that contested elections shall also be given preference in hearing, and a new section has been added to the code providing that actions to enforce the right of eminent domain shall be given preference over other civil cases in trial courts ['03 ch.150].

Evidence. Witnesses. A New Hampshire act ['03 ch.37] in reference to obtaining the testimony of nonresident directors and officers of domestic corporations, provides that in case of the wilful neglect or refusal of such persons to appear as witnesses or to give their depositions in cases in which the corporation is a party, the corporation may be placed in the hands of a receiver till the order is complied with. North Dakota ['03 ch.98] authorizes the examination of the adverse party under the rules of cross-examination. A mortuary table to determine the expectation of life of an individual has been adopted in South Carolina ['03 ch.61].

Florida ['03 ch.57] permits the admission of certified copies of deeds recorded but not acknowledged or proved for record, as evidence in suits to reestablish a lost deed, provided that the deed has been recorded 20 years. Vermont enacts ['03 ch.44] that public records of births, marriages and deaths shall be competent evidence only of the fact of birth, marriage or death.

On request of the opposite party, the legal representatives of a deceased person may testify in suits brought by themselves in behalf of the estate as to all facts occurring before the death of the person whom they represent [Me. '03 ch.111].

Minnesota ['03 ch.227] admits husband and wife to testify against each other in suits for abandonment and neglect of the wife or children, and has taken away the right of such persons to testify in proceedings between them supplementary to execution. So too Rhode Island ['03 ch.1110] renders husband and wife incompetent to testify in trials between them involving property rights. South Dakota ['03 ch.122] now admits convicts sentenced for a term of years in the State Prison, and not convicted of perjury or subornation of perjury, as witnesses in all cases.

A great liberality in the law governing depositions is shown in the acts of California ['03 ch.255], Colorado ['03 ch.100], New Hampshire ['03 ch.21] and North Carolina ['03 ch.608]. The California and Colorado acts permit depositions of nonresidents to be taken on oral interrogatories, and determine the notice, procedure, and costs in such cases. The New Hampshire and North Carolina laws enlarge the powers of commissioners appointed by foreign courts to take depositions in those states.

An interesting bit of legal antiquity is destroyed by the Delaware act ['03 ch.456] dispensing with the kissing of the Bible in administering oaths.

Jury. Verdict. The right of trial by jury is safeguarded by the act of Arkansas ['03 ch.111] providing that no stipulation directly or indirectly depriving the insured or beneficiary of the right to have questions of fact arising under any insurance policy tried by a jury shall be valid.

Numerous amendments to the laws exempting from jury service were passed, in general, in extension of the classes exempted from the duty. There may be mentioned here the exemptions accorded registered pharmacists by the acts of Kansas ['03 ch.342] and Tennessee ['03 ch.38], and to licensed undertakers in Rhode Island ['03 ch.1063]. On the other hand, Nevada ['03 ch.81] has deprived teachers of the exemption except during the school session, and New Hampshire ['03 ch.23] has removed the exemption of firemen in towns under 2500 population.

The legislation in reference to the compensation of jurymen shows a marked tendency toward increasing the fees, mileage etc. [N. D. '03 ch.117; Okl. '03 ch.14; Wis. '03 ch.126].

Directed against the evil of the professional juror are the acts of Georgia ['03 p.83] and Kansas ['03 ch.341] the former of which provides that grand and traverse jurors serving at one session of the Superior, County or City Courts shall be ineligible for similar service at the next succeeding term. The Kansas act prohibits a second service as juror in a City Court or City Township Court within six months from the time of the last service. The law of New Mexico ['03 ch.112, amending '99 ch.66] prohibits service as juror at two successive terms of court, instead of within 12 months as heretofore. In South Dakota it has been made a misdemeanor to solicit the sheriff to select the person making the request or some other designated person for the jury list ['03 ch.170]. It is further made a cause of challenge that the person in question has been summoned as a juror on his own request, directly or indirectly made ['03 ch.17, 172].

Judgments. Executions. Exemptions. Costs. In South Dakota an act ['03 ch.117] has been passed authorizing the filing and docketing of judgments of the federal circuit and district courts within the state in the same manner as judgments of state courts. Such judgments create a lien in the same manner as state judgments, may be assigned on the docket, and on discharge are to be duly canceled. Michigan ['03 ch.179] has reduced the rate of interest on money judgments from 7% to 5%.

The California code has received an additional article providing for the collection of domestic money judgments rendered against the state or other public corporation by the filing of a transcript of the judgment with the state comptroller or the auditor of the corporation, and the payment of money into court ['03 ch.263].

Section 2909 of the New York Code of Civil Procedure has been amended so as to permit the sale of perishable property levied on by virtue of a warrant of attachment issued by a justice of the peace, with or without notice, as the urgency of the case may demand ['03 ch.322].

Perhaps the most interesting tendency of the legislation relating to civil procedure is that shown in the numerous acts having for their purpose the reduction of the amount of property and wages exempt from execution and attachment, and the extension of the classes of cases in which exemptions are not operative. In Oregon ['03 p.160] the ordinary exemptions have been taken away in cases where an execution is levied in satisfaction of a judgment rendered for advances of goods or money, or labor performed, in order to enable the judgment debtor to carry on any undertaking, trade or profession. In Missouri ['03 p. 240] a similar rule applies in case of judgments rendered in favor of a wife for maintenance or to enforce a decree for alimony. In the latter state 10% of wages is now subject to garnishment ['03 p.199] and execution ['03 p.195]. The New York Code of Civil Procedure has been amended ['03 ch.461] so as to provide that in cases of judgments recovered wholly for necessaries sold, or work performed in a family as a domestic, or for services rendered by an employee, any income exceeding $20 a week is subject to a continuing levy of not more than 10% of the income. Connecticut ['03 ch.95] has reduced the amount of wages exempt from foreign attachment or execution from $50 to $25, and Colorado ['03 ch.132] exempts 60% (formerly $60) of the wages due or earnings of the head of a family *where the family resides in the state*, and is wholly or in part dependent

on such earnings; earnings not exceeding $5 a week are entirely exempt. Illinois ['03 p.217] and Tennessee ['03 ch.590] provide that wages earned out of the state and payable out of the state shall be exempt from garnishment or attachment where the cause of action arose out of the state. Where however the defendant is personally served with process Illinois allows such attachment. Maine ['03 ch.82] now exempts, in addition to former exemptions, *all* necessary provisions bought for the use of the debtor or his family. In the same state ['03 ch.83] the personal property of a partnership, and the interest of any copartner is exempted from attachment on mesne process, but may be reached in satisfaction of a judgment.

An amendment to the New York Code of Civil Procedure ['03 ch.276] permits the defendant in actions brought in a justice's court to demand security for costs where the plaintiff is a foreign corporation. Tennessee ['03 ch.581] allows next friend of married woman to prosecute suits *in forma pauperis*.

Attachment. Garnishment. Replevin. Title to property. Writs. Florida ['03 ch.152] permits attachments to issue in cases where the debtor is removing his property from the state or otherwise disposing of it in fraud of creditors, even though the debt is not due (formerly, on debts due or becoming due within nine months from the bringing of the suit).

A law of Maine ['03 ch.81] provides that service on one member of a firm, when made at the place of business of the partnership, is sufficient to make the firm a trustee in trustee suits, without (as formerly) later service on the other partners. In the same state ['03 ch.88] the law relating to the dissolution of attachments on mesne or trustee process has been amended so as to provide that such attachments be vacated on the delivery of a bond with sureties in a sum not less than (formerly, double) the *ad damnum* of the writ, conditioned on the payment of the judgment within 30 days after its rendition. Michigan ['03 ch.73] now allows garnishment proceedings against public and private corporations in the same manner and with the same effect as against individuals. In Wisconsin ['03 ch.80] a garnishee against whom a judgment

has been rendered may free himself from all liability by paying the amount of such judgment into court. In Washington ['03 ch.64] garnishees in proceedings before a justice may answer in writing, in lieu of personal appearance.

Florida ['03 ch.54] has enacted that in replevin suits only the total value of the goods replevined shall be ascertained.

Arkansas ['03 ch.65] requires that in order to render the filing of a suit, affecting the title to or lien on real or personal property, constructive notice to bona fide purchasers or mortgagees, a notice of lis pendens and a description of the property to be affected must be filed in the county where the property is situated. California ['03 ch.91] permits the transferee or grantee to whom it is alleged property has been conveyed in fraud of creditors, by giving an undertaking with two sureties in double the value of the property, provided such amount does not exceed double the amount of the liability alleged to be due, to convey or mortgage the property in the same manner as if unaffected by fraud. An act of Georgia ['03 p.84] allows the plea of set-off and recoupment of any damages sustained by reason of failure of consideration or any defects in the property, against a plaintiff in an action of trover who has retained title to personal property to secure the payment of the purchase price.

Maine ['03 ch.149] has provided for the bringing of suits to quiet or establish title, or to remove cloud from title to land, by persons who have been in uninterrupted possession for 10 years or more, against persons unknown, not in being or not amenable to process. California ['03 ch.93] has amended the law of 1901 in reference to procedure in similar cases where the plaintiff has been in adverse, continuous possession for a period of 20 years.

South Dakota ['03 ch.121] provides that estates may be reopened for the purpose of entering such orders and judgments as may be necessary, where an executor, acting under the directions of the will, has sold real property in order to pay the debts of the deceased, but such sale has not been confirmed by the court. A law of Washington ['03 ch.137] protects those who hold land in good faith under color or claim of title adversely to the plaintiff

for the value of any permanent improvements made, or taxes or local assessments paid by them. The plaintiff, if successful in the suit, must reimburse the defendant for such expenditures within two months, failing which the defendant may within two further months, by paying to the plaintiff the value of the land apart from the improvements, and the amount of damages awarded against him, obtain title to such land. On the failure of both parties to pay as above they become tenants in common.

Of the legislation relating to writs the most interesting is that of New Jersey. This state has subjected to revision her laws relating to certiorari ['03 ch.174], quo warranto ['03 ch.194], and mandamus ['03 ch.195].

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REVIEW OF LEGISLATION 1903 LEGISLATION BULLETIN 22h

State Finance W. M. Daniels
Taxation Frank A. Fetter
Inheritance Tax Max West

STATE FINANCE[1]

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Whatever significant features may be disclosed in an analysis of the tax legislation of the year 1903, in the more general domain of state finance there is no indication of any important common tendency other than the general attempt to improve financial administration. The public domain has claimed the attention of many of the Legislatures. Provisions for its sale or lease, specially where mining interests have been involved, have been matured and perfected by a number of Western states. The problem of irrigating the arid lands of the West is reflected in the laws of Washington and New Mexico. Shore, swamp and riparian lands evidence a wider geographic interest. The protection of timber on public lands has required additional legislative safeguards in several states. Common in a measure to all the commonwealths is the attempt to prescribe by audit and inspection additional safeguards in the matter of public accounting. Raids on the public purse are rendered less likely by the creation of state courts of claims in two states and by various provisos guarding contracts for supplies. The safe-keeping of current funds has necessitated more stringent provision of law in more than one state, and the interest on such funds in more than one instance has begun to contribute an appreciable sum to the public treasury. The investment of permanent funds has taken new forms in some of the Western states where approved farm mortgages on lands within the state furnish the security.

[1] *See also* Governors Messages and Summary of Legislation, 770.

[2] Mr L. J. Cox, a graduate student of Princeton University, assisted in the preparation of this summary.

The tendency to limit the discretion of the state government in its use of the tax power and in its recourse to public credit does not seem to have spent its force; and despite one or two exceptions to the general rule, the reduction of the principal of state debts seems to be steadily progressing.

Domain and property. The earlier tendency of the Western states to cut up the public domain and to encourage the creation of homesteads by the sale of farms in fee simple, while it continues generally (though under various safeguards against land speculation and monopoly), has in a measure been checked by several causes. Chief among them may be mentioned the increasing use of public lands for mining, specially coal mining and also the necessity of securing irrigation in various arid sections. Even the further alienation of the public domain where the land is to be used for farm purposes has in several instances been brought into question.

Colorado, for example, ['03 ch.151] has created the office of superintendent of the Mineral Department of the State Board of Land Commissioners, whose duty it is to measure the space excavated from all coal mines leased from the state and report thereon, to the end that the state shall receive its royalty of 1 cents a ton on all coal mined. The same act also provides that "agricultural lands and lands within city boundaries may be leased for a term not exceeding 30 years," and that "all such leased land shall be reappraised and classified at least every five years, and the lessee of all such lands shall pay any increase rental or forfeit the lands so held."

Wyoming ['03 ch.78] empowers the State Board of School Land Commissioners and the State Board of Land Commissioners to lease and release public lands on certain terms prescribed in the act. This does not however prevent them from selling state lands, the act in question giving them "the direction, control, lease and disposal of all lands" intrusted to their respective charges. Wyoming also ['03 ch.85] opens its mining lands to exploration, occupation and purchase, and defines the size of mining claim. North Dakota ['03 ch.176] provides for the lease *of school* lands for the purpose of coal mining. A similar act

providing for the sale or lease of state lands was passed by Washington ['03 ch.79]. Typical of the legislation relating to arid lands and their reclamation are those passed by New Mexico ['03 ch.78] and Washington ['03 ch.152]. The former provides for the selection and segregation of lands donated by Congress for institutional and irrigation purposes. Lands belonging to institutions, except those of the university, are to be sold at an early date in order to reimburse the territory for cash advanced to said institutions, and the excess of the price is to be turned over to the institutions in question. By the same act all leases of lands donated by Congress for the improvement of the Rio Grande are to be canceled, except such as the secretary of the interior has approved or may approve; also all leases of lands donated by the federal government for irrigation or reservoir purposes are to be terminated, and no such leases granted in future. The act of Washington ['03 ch.152] provides for the acceptance from the United States of arid lands, and specifies the terms on which individuals or companies may contract with the state to irrigate said lands. Settlers or proposing settlers who show contracts made with an approved irrigation company for perpetual water rights may on payment of the price named file entry claims for 160 acres each.

Governor Herreid of South Dakota in his message [6 Ja '03 p.12] quotes President Beadle to the following effect, as supporting the policy of permanent retention and lease of state lands. "It would cost far less to administer the lands and funds on the rented plan. There would never be any risk to the principal; it would remain in the lands, safe. . . The collection of these sums would be more easy, less expensive and safer than the loan of the money, and an easier and safer proposition. We have this alternative: to sell the lands and accept a steadily declining rate of interest on a fund that can not increase, or to lease the land and receive an increasing income from a permanently increasing capital." On the other hand Governor Herreid says in his message that there is another side to the case, and that many hold that "these lands should be sold within a reasonable time, *not only for the interest to be* derived from the investment of

the proceeds, but for the occupation of these lands and development of the localities where these lands are found. Counties with large tracts of untaxed lands object to a policy which retards their development and throws an undue share of the burdens of taxation for public improvements on the owners of the improved lands. Objection is also made to an elaborate state system of tenantry."

Tide, shore, and swamp lands. California, New Jersey and Pennsylvania have amended their laws as to tide, shore and swamp lands. California ['03 ch.61] aims to prevent fraud in reclaiming land for farm purposes; New Jersey ['03 ch.202] to limit the use of tidelands to public parks, streets or highways under the control of municipalities; Pennsylvania ['03 ch.28] to prevent individuals from securing the beds of navigable streams.

Timber lands. Michigan has passed a series of laws for the protection of timber on state lands. One act ['03 ch.145] provides for the seizure, marking and sale of state timber unlawfully cut. Another act ['03 ch.210] makes it a felony instead of a misdemeanor to remove or injure timber on state lands. A third act ['03 ch.226] directs the state commissioner of the State Land Office to appoint trespass agents to look after timber interests on state lands. Tennessee ['03 ch.444] has made the unlawful cutting of timber on state lands a felony, and New Mexico ['03 ch.81] has made it a misdemeanor with each day's violation a separate offense.

Public buildings. Several states during the last year have provided for new public buildings for state purposes or for the extension of existing buildings. Idaho ['03 p.42] appropriated $15,000 for the erection of a Supreme Court building and library. Wisconsin ['03 ch.399] appropriated for the same purpose $110,000. North Dakota ['03 ch.27] authorized the issue and sale of $100,000 of 4% bonds for the extension of the capitol and governor's mansion. Missouri ['03 p.284] has submitted an amendment to the Constitution to be voted on in November 1904, laying a tax of ⅔ mill on the dollar of valuation on all real and personal property for five years to create a fund for the erection of a new capitol. North Carolina ['03 p.1173] appointed a committee of

e to consider a project for a new capitol building. An act was ssed by Arkansas ['03 ch.146] for the completion of the state pitol. It is to cost not more than $1,000,000 above the base- nt floor line. The law reenacts the former appropriation, but ates a new board of state capitol commissioners to superintend building of the structure. Among other things it is provided at the contract for the building is to be let to the lowest and t bidder, and that at no time shall a contractor receive more an 90% of the amount earned, the remaining 10% to be paid er the work is completed and accepted.

In the matter of providing official mansions for the governors, may be noticed that California ['03 ch.289] has amended the tute for the construction and furnishing of the governor's resi- ace, and that Wyoming ['03 ch.49] has appropriated $15,000 ditional for the completion and furnishing of the governor's sidence. The governors of Indiana, Michigan and New Jersey k that such official residences be provided.

The governors of Indiana and Kansas have recommended the pointment of a state architect. Nebraska ['03 ch.108] has pointed a state architect at a salary of $2500 a year. Governor hite of West Virginia in his message [14 Ja '03 p.93] calls tention to the fact that state buildings cost much more than e estimates, and recommends that measures be taken to deter- ine the cost of any given plan through a competent architect fore the plan is approved.

Enlargement of the state's industrial enterprises. The only im- rtant instance in the general province of administrative finan- al legislation which seems to betoken any increase in the area of ate industrial enterprise is found in the proposed amendment the Constitution of Nevada ['03 p.232]. There is to be submit- d to the next Legislature of the state in 1905 for approval a nstitutional amendment authorizing the state to furnish its peo- e transportation, water, light and means of communication, and miting the state debt contracted for such utilities to 10% of the lue of all taxable property. The proposed amendment further ovides that before any act carrying out these provisions shall into effect, it shall be *submitted to* the vote of the people. The

only other instance of the state undertaking industrial risks is seen in the tendency toward state insurance. Governor White of West Virginia in his message [15 Ja '03 p.56-57] called attention to the claims made for state insurance, but made no recommendation. Governor Geer of Oregon [10 Ja '03 p.27] recommended that the state carry its own insurance. Wisconsin ['03 ch.68] has provided for quite a complete system of state insurance. The insurance commissioner is to estimate the value of all state property, and the state is to insure this at 90% of its value at what the commissioner considers an average rate of insurance. The premiums are to be credited to a state insurance fund, and 90% of all losses is to be deducted from this fund. The recent destruction of the state capitol at a loss put at $600,000 may possibly operate to change this policy of self-insurance.

Audit and accounts. Among the acts passed to provide for more uniform accounts and for a more efficient auditing thereof, mention may be made of the Florida statute ['03 ch.14] which creates the office of state auditor. His duties of inspection and audit cover not only the accounts of state officers but of county officers as well. He is required to make such an investigation once a year, and may do so more frequently at his option. In the same line is the Michigan law ['03 ch.228] amending a former act and making it necessary for either the auditor general, his deputy, or his designated representative, to inspect the books of account of all state institutions at least once a year. The act also permits him to prescribe the system of accounting to be followed. Any irregularity in accounting, or in the receipt or disbursement of public money if discovered by the auditor general and reported by him to the governor requires the governor to investigate the charge, and empowers the governor to suspend or remove the offending official, provided that, in cases of removal, written charges be preferred against the accused, and 10 days' time allowed him, after service of the papers, to make reply to said charges. By virtue of an act passed by North Carolina ['03 ch.738] the auditing committee of the Legislature extends its scrutiny to the warrants drawn on the state treasurer by officials of the state's public institutions. Hitherto its competence has

been delimited to the warrants drawn by the state auditor. In Wyoming also ['03 ch.100] the legislative audit is extended so that the accounts of the state treasurer and state auditor are examined from the date of the last examination by the previous auditing committee of the Legislature. North Dakota ['03 ch. 187] requires of the state treasurer an annual instead of a biennial report. South Dakota ['03 ch.82] increases the bond required of the state treasurer from $250,000 to $500,000. Various acts provide for increased auditing forces and for their increased compensation.

Claims, public contracts and supplies. The collection of claims against the United States continues to occupy the attention of several states. Nevada ['03 ch.110, 120] and West Virginia ['03 p.309] have appointed commissioners to audit and present the war and Indian claims of their citizens against the United States. Interstate claims have suddenly received an important status from the recent decision of the Supreme Court in case of South Dakota *v.* North Carolina, in which the defendant was held liable for the payment of bonds "secured by a second mortgage on state stock in the North Carolina Railroad Company."

Colorado, New York, Illinois and Vermont have taken steps for the proper authentication of claims against themselves. Perhaps the most important move has been made by Vermont and Illinois in establishing permanent courts of claims. The Vermont Court of Claims ['03 ch.38-39] is composed of two persons appointed by the governor together with the auditor of accounts. The court is to meet regularly twice a year at the state capitol. In Illinois the commissioners of claims are constituted a court of claims ['03 p.140]. The court consists of three judges "not more than two of whom shall belong to the same political party, learned in the law, and experienced in its practice." They hold one session a year. They have corresponding rights and privileges of other state courts. They have exclusive and final jurisdiction over all matters pertaining to state claims, sets-off, counterclaims, etc.

In the matter of public contracts and supplies Michigan ['03 ch.12] has empowered the Board of State Auditors, after advertising for *bids, to make biennial* contracts for heating the capitol,

printing legislative documents and providing public stationery. Pennsylvania ['03 ch.216] forbids officials, directly or indirectly, to sell supplies to the state. Florida ['03 ch.81] prohibits any public officer from buying public supplies from himself, and prohibits any board from purchasing from a member such supplies; nor may any officer or board bid for public work contracts nor be interested therein.

Funds, investments and depositories. State funds may be divided into current funds awaiting disbursement, and permanent, invested, or trust funds. The former represent taxes and other government income that will be speedily employed in meeting current appropriations. The latter represent productive assets whose yield is commonly allotted to the support of various institutions, specially for education. The difficulty which seems to arise in connection with the former is to deposit them where they will be secure, instantly available and drawing interest on average current balances. In the latter case the problem of investment often arises when the public lands are sold for cash, or the problem of reinvestment arises when securities held in such trust funds have matured, or have been converted into securities bearing a lower rate of interest. Thus in Oregon, according to Governor Chamberlain, "there is now in the state treasury $729,435.42 of the irreducible school fund unloaned and consequently bringing no revenue to the public schools" [14 Ja '03 p.37]. Governor Morrison of Idaho in his message [5 Ja '03 p.19-20] says "the proper disposition of state and county funds, pending their disbursement, is a practical question, and, as population and wealth increase, grows in importance. . . Authority is given for 'special deposit' only, yet the funds are invariably placed on general deposit, subject to check in the ordinary way. The funds ought to be thus available, but under very different conditions and safeguards than those which obtain under the present law and practice. . . I find on inquiry that many of the county treasurers and invariably the state treasurer demand from the depository banks interest on balances which they appropriate to their own use."

Governor Bailey of Kansas in his message [13 Ja '03 p.10-11] says, "I also find that the state has a contract with the State Fiscal Agency whereby the agency pays the state 2% on the average daily balances of state funds in said agency, which for 1902 would amount to $1027.80. . . I also find from the records of said board, that the average amount of money in the state treasury and in the Topeka banks as state depositories for the year 1902 amounted to $768,811. This amount at 2% on average daily balances would net the state $15,376.22 per annum."

The situation in Idaho has been corrected by an act ['03 p.375] which creates a board of deposits to select public depositories. The act regulates the rate of interest to be paid on current balances, making 2% the minimum. It fixes the allotment of interest, when accrued, to various state purposes, and defines the bond of surety companies required of all such depositories unless they prefer to deposit certain specified securities with the state treasurer. Under the conditions prescribed, a preference is given to banks within the state. Wisconsin by statute ['03 ch.233] allows state depository banks to offer as an alternative to the bond or security for public deposits hitherto required, bonds of the United States or state, county, or municipal bonds, or the bond of a surety company, provided always that in value said guaranties exceed by 50% the state funds to be intrusted to the depository bank. Interest on current state funds yielded West Virginia $34,379.57 according to Governor White's message [14 Ja '03 p.7-8], and a New Jersey statute exacting 2% on current state funds on deposit, though in force but part of the fiscal year, yielded $28,000 according to Governor Murphy's message [13 Ja '03 p.8].

So far as permanent or trust funds are concerned, it is to be noted that Montana ['03 ch.12] requires the investment of state educational funds in the bonds of that state, or its counties and local divisions, or "in any bonds now issued, or to be hereafter issued against any of the state land grants," which in the judgment of the State Board of Land Commissioners is a safe investment. Utah ['03 ch.62] provides that funds from the sale or rental *of public lands may be invested* in United States bonds

or in state (Utah), county, city, or school district bonds or notes, "or in first mortgages on improved farms within the state," provided such mortgages do not exceed two thirds of the assessed value of the same, exclusive of the improvements. Furthermore, "said farm loans are to be preferred," and are to bear 6% interest. Utah also ['03 ch.110] directs the investment of the redemption fund for the redemption of certain territorial bonds in state, county, municipal, or school district bonds of Utah. Wyoming ['03 ch.30] requires the investment of funds arising from the sale of state lands in United States bonds, bonds of Wyoming, or in bonds issued by school districts within the state or in registered coupon county or municipal bonds issued by Wyoming counties or municipalities, or in interest-bearing warrants of the state; but where the interest of funds is devoted to public school purposes, investments are restricted to Wyoming school district bonds, or registered county bonds of the state, or in state or United States securities. New Hampshire ['03 ch.125] allows the investment of its funds in the securities of the United States, of the state of New Hampshire or its local divisions, or in the securities of any city in New England whose net debt does not exceed 5% of the last valuation for tax purposes.

State financial powers—taxation and indebtedness. A proposed amendment to the Constitution of Georgia ['03 p.21] to be submitted to popular vote in October 1904 delimits the levy of state taxes to 5 mills on the dollar of valuation per annum except to repel invasion, suppress insurrection, or defend the state in time of war. Missouri ['03 p.257] reduces the annual state tax required to pay interest on the state debt from 1 mill on the dollar of valuation to $\frac{3}{10}$ mill for 1903 and to $\frac{2}{10}$ mill thereafter. This reduction was due to the extinction of the state's funded debt except certificates of indebtedness for the school fund and the seminary fund. Arkansas ['03 p.484] submits to popular vote in November 1904 an amendment to the Constitution prohibiting the future loan of the public credit by the state, or its local divisions, except to provide for existing indebtedness, and except in the case of municipalities of the first and second class which may issue *bonds only for* purposes approved by the popular vote of said

municipalities. The amendment even forbids the state to issue any interest-bearing treasury warrants or scrip. North Carolina ['03 ch.750] augments the state debt by $300,000 to pay off indebtedness arising from appropriations previously made for educational, charitable, and other purposes. Nevada ['03 ch.72] extends certain state loans for a period of 10 years. Kansas ['03 ch.71] authorizes the refunding of state bonds held by the state permanent school fund and the State University fund, the new bonds to run for 10 years and bear interest at 4%. Similarly New Mexico ['03 ch.67] provides for refunding at 4% maturing bonds which bear a higher rate of interest. Mention has already been made of the authorized issue of $100,000 of bonds by North Dakota for the extension of the capitol and for the executive mansion. In New York ['03 p.1451] a constitutional amendment is to be submitted to popular vote in November 1905, allowing the interest and principal of the state debt to be paid out of any money available in the state treasury. When this is possible, there need be imposed no direct annual tax for this purpose. Another amendment to the Constitution of New York state ['03 p.1454] is to be submitted to the Legislature in 1905, providing that when a state debt is created, a direct annual tax shall be levied to pay the annual interest charge, and the principal within 50 years. At present the principal must be paid within 18 years.

In Massachusetts Governor Bates said in his message [8 Ja '03 p.48-50], " . . . that there are some evils [in the sinking fund system] is apparent today when our bonded indebtedness . . . is over $84,000,000, and the sinking funds are piled up in our vaults to the extent of nearly $19,000,000 and are rapidly increasing. . . I am informed that computations most carefully made indicate that there would be an immense saving under the serial payment plan." Accordingly the Legislature passed an act ['03 ch.226] authorizing the state treasurer with the approval of the governor and council to issue bonds or scrip on the serial payment plan, instead of establishing sinking funds for said bonds or scrip. This act does not apply to bonds issued by the state for metropolitan dist*ricts.*

TAXATION[1]

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As nearly three times as many legislative sessions were hel in 1903 as in 1902, the volume of legislation on taxation w much larger. Some 260 legislative enactments or judicial c cisions are noted in the *Comparative Summary and Index Legislation 1903* on this subject. Many of these are of min importance, referring to such administrative questions as chang of date for the making of assessments, but about a hundred them reflect some policy, and despite some contradictory e dence, most of these indicate some trend. The state of sen ment likewise is shown by the *Digest of Governors Messag* and the two groups of evidence will be considered together reference to each subject in the following review.

General property tax

Evidences of failure. Evidences of the failure of the gene property tax appear in the statements of several of the governo It is said [Wy.] that the valuations have increased in a grati ing manner, but that the whole law of taxation needs revisio [N. M.] that the assessment is increasing, but it is still far t low; [Tenn.] that the assessment is somewhat improved, but th a very large amount escapes taxation. Less favorable still a other opinions: [Tex.] that the amount of property escaping ta ation increases yearly; [Neb.] that property is assessed at scarce 10% of its value; [Or.] that the aggregate values have decreas in most counties and an entirely new assessment law is neede [Cal.] that the assessed personal property is less in value 1902 than in 1872. Other governors [Mon., N. C.] complain the gross inequality of assessments; [Or.] of the escape of re estate through the failure to record deeds of public lands sold the state. The governor of Tennessee, despite his feeling of t need of improved tax laws, protests against the practice of bi nially enacting new revenue and assessment laws, a course whi

[1] *See also* Governors Messages and Summary of Legislation, 800.

he says, results in confusion, uncertainty, litigation and delay in the collection of taxes.

Amid these adverse signs must be noted one slight evidence of a return to the general property tax in the abandonment by Wisconsin ['03 ch.315] of the gross earnings tax on railroads for the ad valorem tax at the average rate for state and local purposes. This, however, is the improved type of general property tax, virtually a corporation tax with central assessment.

Improvement of general property tax. Only one recommendation [R. I.] is made for the appointment of a joint special commission to devise improved tax legislation, and in but one state was a special tax commission authorized. In Utah ['03 p.207] the governor was instructed to appoint three persons who are to cooperate with the attorney general in drafting a bill for a uniform system of taxation and to report to the Legislature in 1905.

The improvement of the general property tax is attempted, however, in a number of ways. The most naïve and ineffective measure for the improvement of tax laws is a resolution requesting the assessors to make stricter assessments. The Legislature of Utah, after lamenting the "well known fact that a large proportion of the taxable property of the state is inadequately assessed, or not placed upon the assessment rolls at all, the statement being made that in one county not 10% of certain classes of property is assessed," and after declaring that this is "inimical to the best interests of the state, subversive to good government, prejudicial to public morals, and a gross injustice to all honest taxpayers," urges the assessors to greater vigilance and the county commissioners to the use of their best endeavors to secure a true and impartial assessment. The governor of Wyoming put faith in an equally effective measure, urging stricter questioning of the taxpayer under oath in order to get an honest assessment. The governor of Louisiana urged an amendment to make possible a stricter taxation of credits and obligations assigned to third parties. Colorado ['03 ch.157] sought by stricter measures to enforce the assessment of merchandise brought into a county *for temporary lodgment* and sale. Nevada ['03 ch.44]

provided for a head tax on live stock brought into the state graze, unless the owners give bonds for regular taxes. The g ernor of Oregon commended the working of the law of asse ment passed in 1901, though he elsewhere complained of t decrease of valuations in Oregon, as has been noted above.

Revision of tax laws. Five states revised their general t laws during the year: Nebraska ['03 ch.73], New Jersey [ch.208, 209], North Carolina ['03 ch.247], Tennessee ['03 ch.25 Virginia ['03 ch.148]. In each case the revision seems to h been mainly a compilation of the existing laws involving lit if any, departure in policy. The Nebraska law retains the l ing system for personal property with most searching interro tories and a penalty for the failure to make oath; the gene property tax is the main reliance, but assessment of railroad other allied corporations is centralized by the State Board Equalization, as has been the case in that state since 1881; th are special taxes on gross receipts of insurance, express, t phone and some other companies. The New Jersey law rela almost exclusively to local taxation under the general prope tax, that state being peculiarly emancipated from the burden state taxes by reason of its income from corporations. The No Carolina law is not essentially changed from that earlier ployed; it is based on the ad valorem general property tax, has the additional features of graded license taxes for m special occupations, income and inheritance taxes, and an tensive system of taxes on gross receipts of corporations. general tax law of Tennessee is substantially the old-fashio general property tax; public service corporations are asses by county assessors on the value of their franchises; the st board has only limited powers; three revenue agents are autl tzed by section 80, apparently a new provision, which establis a tax inquisitor system with fees or penalties of 15% to be p to the agents. The Virginia tax law is in the main a codificat of the tax system that has been developing in that state for past 20 years, comprising an income tax, a probate tax, vari taxes on deeds, seals and the privileges of corporations, but t are some departures. Most peculiar is the treatment of perso

property consisting of choses in action. The reviewer said last year in commenting on the new Virginia Constitution, that the omission of a reference to intangible personalty seemed significant of an intention to omit the taxation of that class of property; the present law, however, merely compromises. A sweeping list of intangible personal property is made subject to a fixed rate of 1% for state and school purposes, a reduction apparently on the principle of charging what the traffic (possibly) will bear. This suggests the analogous compromise on mortgage taxation referred to below.

Separation of state and local taxation. The governor of Oregon commended the tendency toward the separation of state and local taxation. The governor of Vermont recommended measures to relieve real estate entirely from the state tax, and the governor of West Virginia believed that the state could raise the needed revenue without levying a state tax on real and personal property. While these expressions show a continued sentiment in favor of a policy that has been popular during the past 10 years, it is worthy of remark that no legislative steps were taken in this direction. Ohio in November 1903 rejected the constitutional amendment submitted by the Legislature permitting further separation of the sources of taxes.

Assessment. The governor of Arizona recommended that the office of assessor be made elective instead of appointive but no action was taken by the Legislature. A law in New Jersey ['03 ch.114] made assessors in villages appointive by the governing board, whereas they were formerly elective.

The cost of assessment of real estate was said by the governor of Montana to be too great. Accordingly, a law was passed ['03 ch.1] repealing the law directing the judge of the District Court to appoint annually a county board of appraisers of real estate.

Salaries. The salaries of assessors tend upward. In South Dakota ['03 ch.209] assessors in large counties (containing 45 congressional townships) were allowed expenses not exceeding $5 a day. In Indiana ['03 ch.196] the salary of township assessor, formerly $2 a day, *was raised to* $2.50, and in larger townships,

the salaries were fixed at from $200 to $2500 a year. In New York ['03 ch.156] town boards were authorized to fix a salary not exceeding $3 a day (formerly $2). In Pennsylvania ['03 ch. 215] the assessors and assistant assessors were raised from $2 to $5 a day. In Colorado ['03 ch.162] the salary of county assessors was increased in four of the six classes and subclasses into which the counties of that state are divided; the new scale provides a minimum of $800 and a maximum in large counties of $4600 (formerly $3600). In Wyoming on the contrary ['03 ch.79] by complicated change in the law making comparison somewhat difficult, salaries were reduced 50% to 75%, the minimum under the new law being $150 and the maximum $500 (formerly minimum $500, maximum $1200).

Central assessment. The messages of the governors are unanimous, so far as they mention the subject, in their approval of the principle of more centralized assessment in some manner and for some classes of property. The simplest plan is to increase the unity of assessments in the counties and to secure annual meetings of the county assessors for the interchange of opinions. The governor of Indiana declared that the meeting of the county assessors of the state had been of much benefit. The governor of Nevada said that the results of the meeting of the county assessors were good, but that they were contested by the Central Pacific, and he recommended that the plan be made more effective. The governor of Wisconsin commended the work of the county supervisors of assessment.

The expressions of the governors regarding central state assessment divide themselves into commendation of work already done and recommendation for increased powers. The governor of Kansas commended the work of the State Tax Commission; the governor of Michigan did likewise, saying that assessments have been much increased. The governor of Wisconsin praised the Tax Commission for its effective direction of the assessors. The governor of Arkansas commended the state board for assessing railroads and other corporate property at a higher rate than before. The governor of Indiana indorsed the law of 1901 delegating to the State Tax Commission the assessment of street and electric rail-

roads and intercounty gas and pipe line companies. The governor of Louisiana spoke of the wisdom of the state Constitution in providing central appraisement for corporations. The governor of Michigan mentioned favorably the Tax Commission's work in assessing railroad property. The governor of Minnesota called attention to the value of the examination of the books and accounts of corporations paying taxes on a gross earning basis, and the governor of West Virginia commended the Board of Public Works for its increase of railroad assessments. Among the recommendations of increased powers is that of the governor of Colorado to the effect that the State Tax Commission be given greater powers than the present Board of Equalization, noting that a constitutional amendment is required to this end. The governor of Tennessee suggested the broadening of the powers of the state railroad commissioners. The governor of Montana recommended a constitutional amendment giving plenary power to the Board of Equalization to adjust and equalize all assessments in the state. The governor of Nebraska recommended that both the State Board of Equalization and the county boards be given greater power. The governor of New Mexico recommended increasing the power of the Board of Equalization so that it could adjust values in the counties as well as between the different counties. The governor of Georgia recommended that the assessment of each of the railroads in the state be made centrally on the basis of the aggregate market values of all the stocks and bonds. The governor of Washington urged that the Board of Equalization should have its powers greatly enlarged, that there should be stricter assessment of railroad property and that this should be intrusted to the state board. The governor of West Virginia recommended increasing the power of the Board of Public Works over the railroads and street car companies.

The legislative enactments on this subject, while not so numerous as the recommendations, tend all in the same direction. Nevada ['03 ch.69] created a state board of revenue peculiar in that it consists of the county assessors meeting with certain state officers. This plan is possible because of the small number of counties in the *state*. *In New Mexico* ['03 ch.61] the Board of

Equalization was reorganized by adding two members to be appointed by the governor, and the duties of the board were extended ['03 ch.88] to include the visiting of counties. In Wisconsin ['03 ch.35] the State Board of Assessment was authorized to levy a tax on express, sleeping car, freight line, and equipment companies. In South Dakota ['03 ch.65] the Board of Equalization was given much wider liberty to increase the assessment as equalized by the boards of county commissioners. In Wyoming ['03 ch.111] the State Board of Equalization was authorized to assess express companies and ['03 ch.81] to fix the valuation of the gross product of mines. In Georgia ['02 p.37] the state comptroller general was empowered to assess special franchises. In New Jersey ['03 ch.142, 151] the State Board of Assessors was empowered to revise the values of local assessors and to fix the values of taxing districts failing to make returns.

Exemptions. Exemptions from the general property tax show no radical departure in principle, but a continuation and extension within the five pretty clearly distinguishable classes of property or citizens as noted below.

1 Exemptions of public property. Maine ['03 ch.46] exempted the property of many public municipal corporations.

2 Exemptions of special industries or persons for the encouragement of certain businesses or acts. California ['03 p.734] submitted a constitutional amendment to be voted on November 1904, exempting ships or shipping engaged in foreign or domestic navigation or in fisheries. Connecticut ['03 ch.91] added to its already long list of exempted property, Angora goats to the value of $100. Missouri ['03 p.138] exempted the World's Fair Corporation and its lessees from the tax on business licenses. Vermont exempted the property of agricultural societies ['02 ch.17] used each year for fairs and village improvement societies and cemetery associations ['02 ch.67] from the state charter fees. Arizona ['03 ch.5] exempted members of the National Guard and of the Arizona Rangers and volunteer fire departments from the poll tax of $2.50 for schools. The only counter movement is that of Nevada ['03 p.240] referring to the Legislature of 1905,

a constitutional amendment providing for the taxation of unpatented mining claims and unworked patented claims.

3 Exemption of fraternal, charitable, educational and religious interests. The only recommendations on this subject were made by the governor of Georgia to the effect that colleges be exempted, and that a constitutional amendment be passed authorizing the exemption of the endowments and investments of all educational institutions. Indiana ['03 ch.10] classed fraternal societies as charitable institutions, thus exempting them. New York ['03 ch.204] exempted the real property of fraternal societies spending their entire income for relief or advancement of members. Michigan ['03 ch.53] exempted benefit associations from state and local taxes. Delaware ['03 ch.369] exempted from county taxation property to $1500 of any charitable home for incurables, likewise ['03 ch.368] from county and state taxation the property to the amount of $2500 of any home for reformed women. Florida ['03 ch.6] provided that the tax certificate covering the home of any confederate veteran or his widow may be canceled on oath of inability to redeem. Idaho ['03 p.73] exempted the property of divorced women when the total assessment is less than $5000, a measure which in the absence of any other classification would seem to belong among charities. Delaware ['03 ch.389] permitted honorably discharged soldiers to become book agents without the usual license. Arizona ['03 ch.5] exempted paupers and insane persons from the school tax of $2.50. New Hampshire ['03 ch.68] authorized selectmen to exempt disabled veterans of the Spanish War from the poll tax. Utah ['03 ch.24] exempted soldiers and sailors from the poll tax, and Vermont ['02 ch.10] changed somewhat the application of the exemption of veterans from the poll tax. Arizona ['03 ch.42] exempted schools exclusively for the education of Indians. California ['03 p.598] submitted a constitutional amendment to the voters, exempting the property of the California Academy of Sciences. Florida ['03 ch.158] exempted the property of educational institutions. Washington ['03 ch.183] exempted the property of colleges receiving half of their income from gifts or endowments,

and Wisconsin ['03 ch.91] exempted property occupied free of rental by a public library. The two cases of religious exemptions were: California ['03 ch.18] which finally made a departure and exempted real property used solely for religious worship, provided no rent is received; and Washington ['03 ch.178] which exempted parsonages on church grounds.

4 Exemption of tangible personal property to a limited amount. California ['03 p.682] submitted a constitutional amendment exempting personal property of every householder to the amount of $100. This will be voted on in November 1904. Wisconsin ['03 ch.246] exempted a number of articles, such as tools, bicycles, sewing machines, and also ['03 ch.292] musical instruments valued together with household furniture at not over $200. Colorado ['03 ch.74] submitted a constitutional amendment to be voted on in November 1904, authorizing the exemption of $200 on personal property (now household goods only) of every person being the head of a family. Oregon ['03 p.216] repealed a minor provision for the exemption of indigent persons to the amount of $300. Idaho ['03 p.136] repealed the tax on live stock brought in from other states, and ['03 p.374] provided for a rebate of taxes in home county to the owner of cattle grazing for a portion of the year in another state.

5 Exemption of credits and loans and other intangible personalty. Indiana ['03 ch.179] exempted state and municipal bonds issued within the state of Indiana; and Vermont ['02 ch.13] exempted money lent at 3% or less to minor political divisions by residents thereof, and ['02 ch.20] raised the exemption of savings bank deposits from $1500 to $2000. Delaware ['03 ch.254] referred to the next Legislature a constitutional amendment exempting the stock of domestic corporations owned by persons or corporations without the state. Under this heading likewise should be noted some proposed or realized changes, looking toward the total or partial abandonment of the attempt to tax mortgages. The governor of Michigan alone expressed himself as opposed to the exemption in whole or in part of mortgages on real estate. Minnesota alone ['03 ch.246] sought a stricter assessment of mortgages by requiring the county registrar of

deeds to deliver a list of mortgages and other real estate securities to the county auditor. On the contrary, the governor of Alabama recommended a stamp tax on mortgages, this implying the release of mortgages from the general property tax. In the same line the governor of Minnesota urged a constitutional amendment making possible a registry tax, and the governor of New York recommended the exemption of mortgages. Some action was taken by the Legislatures in this matter. New Mexico ['03 ch.68] exempted building and loan associations from the tax on mortgages on real estate listed for taxation by the owners. On the governor's recommendation the Wisconsin Legislature ['03 ch.378] provided that mortgages should be deemed an interest in real estate and taxed as such where the real estate is situated, a measure which practically does away with the taxation of mortgages as property separate from the tangible real estate.

Special forms of taxation of individuals

Not many marked departures can be detected, but there has been some action in directions already familiar to the students of finance. The mortgage-recording tax receives, as noted above, some support in the recommendations of the governors; when the attempt to tax credits in the ordinary way is given up as hopeless, a small recording tax on mortgages appears as a compromise policy. No legislation on this subject, however, has been passed in the last year.

The income tax was favored by the governor of Minnesota who recommended a constitutional amendment making possible a graduated income tax. The Wisconsin Legislature ['03 p.776] referred to the succeeding Legislature a constitutional amendment on the income tax. In Kentucky by vote in November 1903 a constitutional amendment was adopted authorizing cities and towns to levy a tax on personal property based on income, licenses or franchises in lieu of an ad valorem tax.

In one case a special tax on deeds and contracts for the transfer of property was recommended: the governor of New York favored a tax of 10 cents on each notary certificate and a tax of 10 cents

on the $100 for the recording of transfers of property, but no action was taken on this recommendation.

Business and occupation taxes. The governor of Missouri commended the beer inspection law as popular and beneficent. The governor of North Carolina recommended a state tax on distilleries, rectifying establishments and saloons. In Missouri the state license tax on export liquors was declared unconstitutional. Legislation on ordinary business taxes has been varied. Two laws imposed a high tax or license apparently for protective or repressive purposes. Florida ['03 ch.87] required emigrant agents to pay $500 license. Montana imposed a $500 license for peddling or canvassing with clocks and various other articles. Montana increased the license for bowling alleys from $5 to $10 a quarter and changed the theater licenses from a daily to an annual charge. Florida ['03 ch.1] amplified and enlarged the scope of her general law relating to occupation taxes and licenses. Some statutes limit or reduce these taxes. California ['03 ch.40] limited to 5 cents a head any county tax on sheep raising. Idaho ['03 p.104] reduced the license fee for keeper of billiard, pool or bagatelle tables from $15 to $5. New Mexico ['03 ch.106] reduced from $10 to $5 the license tax of merchants whose annual sales are less than $3000. Idaho ['03 p.104] repealed the theater license and the license fees on bankers, brokers and trust companies.

Corporation taxes

General recommendations for more legislation to tax corporations were made by the governors of Oregon and Texas, the latter suggesting that many corporations in the state were paying no tax whatever.

The annual license tax or privilege tax on corporations is commended by the governor of West Virginia. The governor of Washington recommended an annual license fee proportional to capital stock. The Legislature of Tennessee ['03 ch.239] required foreign corporations to pay a privilege tax of $\frac{1}{10}\%$ on capital stock, and Nevada ['03 ch.38] gave permission to county commissioners to fix a license tax in incorporated towns on telegraph and other companies.

Incorporation. Some rivalry among the states to secure corporations may be noted. Two policies are followed by the states to secure larger incomes from corporations, the one liberal, the other strict. The governor of Arizona was pleased with the working of the liberal incorporation laws of the territory which are bringing in many corporations. The governor of Pennsylvania commended the recent liberal legislation which has quadrupled receipts from this source in eight years. An opposite policy is to increase the fees for all corporations and specially for foreign corporations. Along this line the governor of Montana recommended the increase of fees for foreign corporations, and the governor of Washington recommends making the fees for charters or the recording of charters proportional to the capital stock of the companies. Tennessee ['03 ch.239] required foreign corporations to pay an incorporation fee proportional to capital stock in place of the $100 fee formerly required. California ['03 ch.24] raised the fees for filing articles of incorporation for companies with capital stock from $5 to a minimum of $15, and advancing by degrees at a rate averaging about one hundredth of 1%.

Banks. The legislation on bank taxes shows no decided trend. The governor of New Hampshire recommended taxing banks on interest-bearing deposits to prevent unjust discrimination as compared with savings banks. Maine ['03 ch.175] taxed at ½% time deposits in ordinary banks bearing interest. Connecticut ['03 ch.189] raised the tax on deposits of savings banks from ½% to ¾%. An equal number of changes were made in the way of reducing bank taxes. The governor of Maine recommended the reduction of the tax on savings banks to one half of 1%; the Legislature responded ['03 ch.9] by making a larger exemption on the general assets and cash, in assessments for tax purposes. North Dakota ['03 ch.159] amended its law so as to exempt 5% of loans and discounts in assessing the capital, surplus and undivided profits of banks. It may be mentioned in this connection also that New Hampshire ['03 ch.126] provided that building and loan associations should pay on capital stock after certain deductions a tax

of three fourths of 1% instead of as formerly at the rate in the town. The tax is to be paid to the state treasurer and distributed to the towns instead of as formerly to the local collector.

Mines. Several recommendations were made for heavier taxation of mines. The governor of Arizona suggested a tax on their output. The governor of Idaho suggested that some more fair and certain mode of taxation be devised. The governor of West Virginia recommended a license tax on the output of coal, oil and gas. The governor of Wyoming recommended increased taxation of mines either by the gross output or by the ad valorem method. In Wyoming the recommendation was acted on ['03 ch.81] and hereafter mines will be taxed under the general property tax on the value of gross products in addition to the tax on surface improvements.

Insurance companies. In the following cases the insurance taxes were lowered. Connecticut ['03 ch.139] reduced the state franchise tax on mutual life insurance companies from $\frac{3}{4}$% to $\frac{1}{4}$% on the amount of assets after certain deductions. Michigan ['03 ch.235] included legal reserve in the liabilities allowed to be deducted from taxable personal property. In several cases either a new tax was imposed or an old one raised. North Dakota ['03 ch.113] required foreign fidelity insurance companies to pay a tax of $2\frac{1}{2}$% on gross receipts. Texas ['03 ch.109] required mutual fire, storm and lightning insurance companies to pay a tax of $\frac{1}{2}$% of gross premiums. California ['03 ch.260] imposed a tax of 2% on gross premiums of foreign insurance companies, but the same result doubtless was before attained in large part through the retaliatory clause in the laws of that state. Vermont ['03 ch.20] required life insurance companies in addition to former taxes to pay 1% on assets.

Public service corporations. The body of recommendations and legislation on this subject is larger than that on any other and the character of it is pretty well defined as that of placing increasing burdens on corporations. The governor of Wisconsin expressed the need of legislation to tax public service corporations more heavily. The governor of Minnesota recommended *that the rate for the* gross earnings tax on railways be made 4%

instead of 3%. Acting on this recommendation the Legislature ['03 ch.253] submitted a proposition to the voters for an amendment to increase the gross earnings tax from 3% to 4%. The governor of Washington recommended higher assessment of railroad property and a more efficient agency for assessing it. The governor of West Virginia recommended an excise tax of 1% on gross incomes of certain public service corporations on the principle of the Cole law of Ohio. The governor of Wisconsin recommended a change from the present license fee system of railroad taxation to the ad valorem system. The Legislature of Wisconsin ['03 ch.315] acted on this recommendation and changed the method of taxation, taking a step away from the gross earnings plan back toward the general property tax. A similar step was taken by Minnesota ['03 ch.376] in providing that the freight line companies should be taxed at the average rate of state and local taxes. This appears to have been necessary because of the court decision that the rate of 2% was unconstitutional. In Vermont ['02 ch.20] the gross earnings tax on steamboat, car and transportation companies, which is payable in lieu of the tax on property and franchise, was raised from 2% to 2½% which is the same as that on railroads. Vermont likewise gave the option to telephone companies to pay on transmitters and mileage of wire in lieu of the gross earnings tax of 3%, the sole method heretofore. Wyoming ['03 ch.111] taxed express companies 1% on gross receipts in lieu of other taxes.

The taxation of franchises of public service corporations according to the principle of the general property tax has attracted more attention than any other phase of corporate taxation. The governor of Missouri praised the working of the franchise law passed by the last General Assembly. The governor of Kentucky noted favorably the departure in practice of the Board of Equalization two years ago in assessing railroad franchises and the recent large increase in their assessment. The governor of Georgia recommended adding franchises to the assessed value of corporations. The governor of North Carolina approved the principle of taxing franchises, and the governor of Rhode Island recommended the adoption of a franchise law of the type of the

Ford law of New York as right in principle and effective in practice. The governor of New York on the other hand criticized the Ford law as inequitable and a source of annoyance, and recommended its repeal; the Legislature, however, did not take action on this recommendation. New Hampshire adopted a constitutional amendment including franchises in the property on which taxes may be imposed. Georgia ['02 p.37] provided that special franchises, being the privilege of exercising the power of eminent domain in the case of public service corporations, should be assessable by the comptroller general and taxable at the same rate as other property.

Amid all these measures, many of them mutually contradictory in their nature, it is not easy to trace many clear tendencies or principles. The general property tax appears to be disintegrating in some features by the increase of exemptions, particularly by the release of credits, loans and intangible personal property, and by the recognition of the failure to tax mortgages. It is, however, in other directions being somewhat strengthened; more efficient and better paid assessors are sought; central assessment may almost be said to be the characteristic development of the day in matters of taxation. The movement toward the assessment of corporate franchises and their taxation at the prevailing rate under the general property tax is a specially important development. Incorporation and corporation taxes are, on the whole, increasing somewhat, but no new method has been devised recently, and no extensive application of the older method can be noted. While the method of taxing gross product proves applicable and convenient in some directions, it was abandoned for central assessment under the general property tax in one state and this is contemplated elsewhere. Altogether, the survey of the past year's tax legislation shows that most of it is of an empirical nature, little guided by principles or inspired by strong and clear convictions. Even thus groping and experimenting, however, year by year some progress is made in the development of a system of special taxes and toward the abandonment of the older method of taxing all things under the *general property* tax.

INHERITANCE TAX[1]

MAX WEST PH. D. CHIEF OF BUREAU OF INTERNAL REVENUE IN TREASURY DEPARTMENT OF PORTO RICO

Twenty inheritance tax statutes were passed during 1903 in 16 states. Most of these statutes were amendments to previously existing laws, usually relating to matters of detail or administration, but in one or two cases materially increasing the importance of the tax. Three far western states adopted this mode of taxation de novo, and Wisconsin passed a new law in place of one which had been annulled by the courts.

Governor Chamberlain of **Oregon** recommended an inheritance tax in his message of 1903, saying that the records of the County Courts disclose that many if not all the estates going through probate have escaped a just share of the burdens of taxation during the lifetimes of their owners. The Legislature promptly adopted this recommendation. The act of Feb. 16 ['03 p.49] imposes a tax on both direct and collateral inheritances. On property passing to the decedent's father, mother, husband, wife, child, brother, sister, son-in-law, daughter-in-law, adopted child, any person to whom the deceased for not less than 10 years prior to death stood in the acknowledged relation of a parent, or any lineal descendant born in lawful wedlock, the rate is 1%; estates valued at less than $10,000 are exempt and the tax is to be levied only on the excess above $5000 received by each person. For the decedent's uncle, aunt, nephew, niece, or any lineal descendant of the same the rate is 2% on the excess above $2000 received by each person. In all other cases, the rates are 3% on amounts over $500 and not exceeding $10,000, 4% on amounts over $10,000 and not exceeding $20,000, 5% on amounts over $20,000 and not exceeding $50,000, and 6% on all amounts over $50,000. Benevolent and charitable institutions incorporated in Oregon and actually engaged therein in carrying out the work for which they are incorporated are exempt.

The tax accrues on the death of the decedent and is due and payable at the expiration of eight months from such death, except

[1] *See also* Governors Messages and Summary of Legislation, 836.

that in the case of bequests etc. conditioned or determinable on the happening of any contingency or future event so that their value can not be ascertained within the time prescribed, the tax is payable when possession is actually acquired. When the tax is paid within eight months from the decedent's death a discount of 5% is allowed; when it is not paid within that time interest is charged.

By an act approved Feb. 21 ['03 ch.80] the **Wyoming** Legislature imposed both a direct and a collateral inheritance tax. On estates passing to the decedent's father, mother, husband, wife, children, brothers, sisters, sons-in-law, daughters-in-law, adopted children, any person to whom the deceased for not less than 10 years prior to death stood in the acknowledged relation of a parent, or any lineal descendants born in lawful wedlock, the rate is 2% on the excess above $10,000; but the decedent's husband or wife and children if bona fide residents of Wyoming are not taxed unless their individual shares exceed $25,000. The collateral inheritance tax is at the rate of 5%, estates valued at less than $500 being exempt. Inheritance taxes are declared due and payable at the death of the decedent, and interest at the rate of 6% is provided for, unless they are paid within six months, in such case a discount of 5% being allowed.

When an estate for life or for a term of years is bequeathed to the testator's father, mother, husband, wife, brother, sister, lineal descendant, son-in-law or daughter-in-law, with a remainder to a collateral heir, stranger in blood, or body politic or corporate, the life or term estate is exempt, and the tax on the remainder becomes payable immediately, though by giving bond payment may be deferred till the property is actually acquired. This exemption and the accompanying conditions and limitations can be explained only on the theory that they were copied without revision from some statute imposing a collateral inheritance tax only.

The **North Dakota** act of Mar. 10 ['03 ch.171] imposes a collateral inheritance tax which is remarkable both for its low rate and for its generous exemption. Property within the jurisdiction of North Dakota passing to any person other than the decedent's father, mother, husband, wife, lineal descendants, adopted children or lineal descendants of an adopted child, except charitable,

educational or religious societies or institutions in North Dakota, is made subject to a tax of 2% of its valuation above the sum of $25,000 after the payment of all debts, and debts are so defined as to include local and state taxes due prior to the decedent's death, a reasonable sum for funeral expenses and court costs, including costs of appraisement for the inheritance tax and the statutory fees of executors, administrators or trustees.

The Wisconsin inheritance tax act of 1899 having been declared unconstitutional because the exemptions were made to depend on the size of the entire estate instead of the separate shares,[1] the Legislature of 1903 passed a new act ['03 ch.44] avoiding that defect and providing for a tax elaborately graduated both according to relationship and according to the amount of the inheritance, the exemption allowed also varying with the relationship. The tax applies only to the excess above the exempt amount in each case, and the higher rates in the progressive scale apply only to the excess above the amounts taxable at the next lower rates. Primary rates ranging from 1% to 5% having been fixed according to relationship for inheritances not exceeding $25,000, these rates are multiplied by one and one half, two, two and one half, and three for the excess above $25,000, $50,000, $100,000 and $500,000 respectively, as shown in the following table:

	Exemption	Not exceeding $25,000	$25,000-$50,000	$50,000-$100,000	$100,000-$500,000	In excess of $500,000
Widow	$10 000	1%	1½%	2%	2½%	3%
Husband, direct heirs	2 000					
Brothers and sisters and their descendants, sons-in-law, daughters-in-law	500	1½%	2¼%	3%	3¾%	4½%
Uncles and aunts and their descendants	250	3%	4½%	6%	7½%	9%
Great-uncles and great-aunts and their descendants	150	4%	6%	8%	10%	12%
All others	100	5%	7½%	10%	12½%	15%

Bequests to corporations organized under the laws of Wisconsin solely for religious, charitable or educational purposes are exempt. When the tax is paid within one year from the time of

[1] *See* Review of *Legislation 1902, p.795.*

the transfer a discount of 5% is allowed; when it is not paid within 18 months interest is charged from the time of the transfer. Payment is required to be made to the county treasurers, who pay the receipts into the state treasury quarterly retaining for county use 5% of the first $50,000 paid each year, 3% on the next $50,000, and 2% of all additional sums.

New York's direct inheritance tax, which has heretofore applied only to transfers of personal property of $10,000 or more, is now ['03 ch.41] extended to apply to real estate also. Both real and personal property or any beneficial interest therein, of the value of $10,000 or more, transferred to any direct heir or other near relative not subject to the collateral inheritance tax, is now subject to a tax of 1%.

Michigan ['03 ch.195] reduces the exemptions from $500 to $100 in the case of collateral heirs and from $5000 to $2000 for the direct inheritance tax on personal property, which is now made to apply to the entire transfer instead of only to the excess above the exempt amount. The exemptions are clearly made to apply to each share of an estate. The time within which a discount is allowed for prompt payment is extended from six months to a year, and numerous other amendments are made either to make clear the meaning of the law or to improve its administration.

Arkansas ['03 ch.89] extends the exemption from its collateral inheritance tax to include the decedent's grandparents. California ['03 ch.228] similarly extends its exemptions to include all lineal ancestors. Tennessee ['03 ch.561] exempts religious, charitable, scientific, literary and educational institutions, and Maine ['03 ch.156] extends its exemptions to include religious as well as educational and charitable institutions. Pennsylvania ['03 ch. 13] exempts bequests and devises in trust for the care and preservation of family burial lots. Utah ['03 ch.93], unlike Michigan, declares that the exemption of $10,000 is to be deducted but once from an entire estate.

The Missouri collateral inheritance tax, devoted to the support of the State University, has been sustained by the Supreme Court of the state. Governor Heard of Louisiana recommends an inheritance tax for the benefit of the school fund.

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LIQUOR LEGISLATION[1]

RUSSEL HEADLEY, NEW YORK STATE DEPARTMENT OF EXCISE

A review of the excise laws of this country both past and present, reveals a state of continual legislative unrest. The changes inaugurated in this field have been frequent, sometimes of a most radical nature and often thoroughly inconsistent, yet in spite of the numerous divagations displayed it is plainly to be seen that running through all the different phases of these various experimental processes is a well defined purpose on the part of the lawmaking body to remedy in some manner the evils produced by the traffic in intoxicants.

Though many theories have found expression through the enactment of these excise laws, and nearly every conceivable idea has been put in operation, yet the total product of all these multifarious amelioratory expedients is far from satisfactory. On many occasions such a sternly repressive measure as prohibition has been resorted to, and at one time and another 17 of our states have adopted strict prohibitory laws, but the effect of such a procedure fell so far short of the issue expected that state after state reluctantly abandoned the plan, and now there remain but three commonwealths which still cling to the former method; and in these, investigation seems to demonstrate that the prohibitory laws are more honored in the breach than the observance.

Neither does past excise legislation appear to have exerted any deterrent influence on the drink habit. By the statistics which have been compiled it seems that about 5% of the adult male population of the country can be classed as intemperate,

[1] *See also* Governors Messages and Summary of Legislation, 900.

using the word in the sense it is generally employed. Some 20% are abstainers, and the remaining 75% are moderate or occasional drinkers.

It is also shown that during the fiscal year ending June 1902 the total amount of alcoholic beverages consumed in the United States was 1,539,081,991 gallons, being an average of 19.48 gallons for each man, woman and child; while in the year 1880 the per capita ratio was 10.09 gallons, thus denoting nearly 100% increase.

These figures, however, appear more conclusive than they really are as regards the question at issue, for on a close examination of the matter, it is seen that the entire increase indicated arises from the consumption of the less harmful intoxicants—malt liquors. When we turn to the indulgence in the most injurious liquors, such as gin, whisky, brandy and the like, the figures tell another tale. Thus in 1880 the average annual consumption of such spirits was 1.39 gallons per capita, in 1890, 1.34, and in 1900, 1.25 gallons, showing not only a decrease but a very satisfactory ratio.

In wines, also, a fair showing is made, for in 1880 the per capita consumption in fraction of gallons was .464, in 1890, .483 and in 1900, .378. In the grand total of the annual consumption of all liquors, malt liquors constitute 93%, and there is a per capita increase therein from 1.87 gallons in 1863, to 17.47 gallons in 1902. Now, as it is due to malt liquors alone that the figures show an increase in alcoholic consumption, they are very far from proving that any such augmentation of the drink habit exists, as might naturally be inferred. During the last 30 years, 2,500,000 Germans have settled in the United States, and as it is safe to assume that practically every one of these was a beer drinker to a greater or less extent, it is readily perceived how the consumption of malt liquors might increase without there being a proportionate increase in the drink habit. It will therefore require more careful research than has yet been given to the subject, before it can be determined with any degree of certainty, how much, if any, of this large consumption of malt

liquor can be properly charged to an increase of the drink habit among us, and what proportion is due to the accession of a large German population.

The year exhibits many instances of legislative action looking toward regulating the traffic in liquors. In Massachusetts the law has been amended to permit the sale of cider or wine by makers thereof where the same is not to be drunk on the premises[1], also, prescribing a penalty for selling or giving liquor to persons under the control of hospitals for dipsomaniacs, inebriates or the insane[2], also, repealing the law permitting importers of foreign goods to sell them in original packages.[3] In New Hampshire there have been several enactments which regulate the liquor traffic by creating a board of license commissioners, prescribe a classification of licenses, prohibit licensing of buildings within 200 feet of a church or schoolhouse; provides for a gradation of fees, temporary suspension of license by town during a riot, or great public excitement, acceptance of act by local authorities and resubmission of the question as to the traffic in liquors every four years.[4] Another act designates the form of ballots and method of voting on the question of license in cities and towns at general or special elections.[5] It is also provided that the State Board of License Commissioners may issue licenses to hotels in unorganized towns.[6] An enactment relative to the enforcement of the liquor laws prescribes that the term "spirituous liquors" is to include beverages containing 1% of alcohol;[7] also, persons are forbidden to be drunk to the disturbance of the family or the peace.[8] Statutory enactments in Connecticut require county commissioners to pay 10% of the liquor fees into the county treasury;[9] prohibit the conveying of liquors to certain prohibited persons;[10] remove the former prohibition on the sale of intoxicating liquors within 200 feet of a church, school, post-office, public library or cemetery;[11] regulate the sale of liquor by druggists on prescriptions, and prescribe the penalties for physician or other person violating the law;[12] also regulate screens in liquor saloons;[13] reduce the penalty for entering places where liquor is sold at unlawful hours;[14] provide for forfeiture of liquor

license and bond on the conviction of the licensee.[15] In Maine the only new liquor legislation prescribes a fine of $100 and costs, or 60 days' imprisonment for depositing or possessing intoxicating liquors with intent to sell the same.[16]

In South Dakota the changes in the excise law since our last report are as follows: local option questions can be submitted to the electors on a petition of 25 freeholders of the civil division;[17] the application for a license must be signed by 20 legal voters who shall be freeholders and published for two weeks in a legal newspaper;[18] pharmacists in no license municipalities can only sell liquor on a physician's prescription,[19] and the selling or giving away of liquor to certain persons is prohibited.[20] In 1902 Vermont reversed her former policy of prohibition and turned to a license system with local option features by an act approved Dec. 11, 1902, and which went into effect Mar. 3, 1903. Among the special provisions of this law are the following: an annual vote on local option questions; towns are to determine the kinds of license issued; appointment of town license commissioners; organization, powers and duties; classification, issue and revocation of licenses; prosecutions for violations of law and the penalties therefor. Provision is also made for the analysis of liquors by the State Laboratory at Burlington.[21]

The Legislature of Wisconsin passed four acts during the last year relating to the liquor traffic, as follows: the commissioner of labor is to collect statistics of the manufacture, sale and consumption of liquor in the state, and penalties are prescribed for all refusals to give that official the desired information;[22] special charter cities under 150,000 population, in case of petition for annexation of territory without license, must submit questions of local option before granting license;[23] the law was amended relative to selling to minors,[24] and provision made for examining of witnesses in liquor cases brought before justices of the peace.[25] In South Carolina the dispensary law has been amended relative to state constables appointed for its enforcement,[26] regarding contracts for the supply of liquor to the State Dispensary,[27] providing that a majority of the voters may by petition

prevent the location of a dispensary in the township designated by the county board, and such township may not be designated for two years thereafter,[28] and permitting wholesale druggists to sell alcohol to licensed druggists under regulations prescribed by the Board of Directors of the State Dispensary.[29] In Florida acts have been passed prohibiting under heavy penalties the shipping of intoxicating liquors into districts under prohibition, except on order from a bona fide purchaser therein, such penalties also to be imposed on common carriers and their agents;[30] providing that the legality of elections on the question of the sale of liquor in any county is to be tested in a Circuit Court, and establishing the procedure therefor;[31] prohibiting under certain provisos the sale of liquor within 4 miles of a school except in incorporated towns with a population over 500.[32] The former provisions relating to convictions in trials for unlawful sale of liquor are repealed.[33] The only change in Oklahoma is a provision permitting the granting of licenses for the sale of liquors outside of incorporated cities, towns and villages on the petition of a majority of resident freeholders of a congressional township.[34]

In Virginia acts have been passed relative to refunding license fees, when an election has resulted in prohibiting the sale of liquors;[35] providing for the sale of wine at wholesale by manufacturers in no license communities, the same to be transported outside the community by common carriers;[36] permitting cities and towns to pass laws regulating the liquor traffic as to hours of closing saloons and use of screens;[37] making it a misdemeanor for a minor of 18 to 21 to misrepresent his age in order to obtain intoxicating liquors,[38] and authorizing justices of the peace on a complaint of a relative or friend to commit to a private sanatorium inebriates or persons addicted to the use of drugs, also prescribing the procedure therein and providing for appeals.[39] There were only two pieces of legislation in Michigan relating to the excise system: one providing that wine and cider may be manufactured in a prohibition county and sold at wholesale outside of the same;[40] the other permitting licensed wholesale liquor dealers to establish warehouses and agencies for storage and sale

of malt liquors in any locality except prohibition counties, and fixing a warehouse tax of $50.[41]

In Delaware the only changes relate to applicants for liquor licenses taking oaths before justices of the peace,[42] and making it a misdemeanor for liquor sellers to furnish habitual drunkards with intoxicants or to allow them to loiter on the premises after receiving a written notice forbidding it.[43] In Idaho there have been but two enactments, one directing that the proceeds derived from liquor licenses be divided equally between municipalities and school districts,[44] and the other making it a misdemeanor to sell alcoholic liquors in less quantities than 5 gallons within 5 miles of a grading camp or kindred enterprise, employing over 25 men.[45] Recent legislation in Illinois makes it a misdemeanor to solicit unlicensed persons to keep dramshops or solicit orders for sale of liquors, prescribes the penalties for so doing, and provides that counties may grant licenses to solicitors.[46]

The enactments of Minnesota provide that the proceeds of liquor licenses from townships outside of incorporated towns and villages are to be divided equally between the county and township;[47] that in case of the death of a person licensed to sell intoxicating liquors, the county or municipality may refund to his legal representatives an amount proportionate to the unexpired term of the license,[48] and that an owner of real estate who permits the unlawful sale of liquor thereon is guilty of a misdemeanor.[49] The only amendments to the excise laws in Missouri relate to the payment of county liquor license taxes in coin, legal tender or bank notes, on a court order,[50] and provide that liquor licenses may not be granted in cities of the second class unless the petition therefor is indorsed by the mayor and president of the board of police commissioners.[51] The only legislation in Nebraska relates to the classification of license fees, the granting of licenses by certain specified authorities and the granting of permits to druggists to sell liquor for medicinal, mechanical and chemical purposes.[52] The three recent acts of legislation in Nevada provide that the license fee for a concert

saloon or dance hall shall be $5,000 every three months in addition to a retail liquor license;[53] that any one selling intoxicants to minors or imbeciles, or employing minors as barkeepers is guilty of a misdemeanor,[54] and that the sale of liquor to Indians be prohibited.[55]

In New York there have been two acts passed, the most important features of which are provisions increasing the excise tax by 50%, of which the state receives one half and also pays one half of the rebates. The amount of the bonds is also increased, being in no case less than $500, and equal to the amount of the tax for one year plus one half of that amount.[56] The law is also amended in relation to definitions, special agents, penalties, convictions and many other matters.[57] In Oregon an act has been passed relating to the sale of hard cider and providing that licenses be granted for the retail of liquor only on a petition of a majority of voters residing in the precinct 30 days preceding the signing of the petition, and prescribing the procedure therefor.[58] In Pennsylvania we have an act permitting the court to substitute another person for a deceased applicant for license to sell liquor;[59] also an act relative to the penalty for selling liquor to an habitual drunkard within three months after notice;[60] and an enactment providing that on a petition of two relatives or friends and an affidavit of two physicians that the treatment would be beneficial, the court may commit persons addicted to the use of liquor or drugs to a hospital or asylum, not to exceed one year, on security being given for expenses.[61]

The only amendment to the law in West Virginia prohibits the sale of intoxicating liquors without a state license, provides the procedure necessary in the case and prescribes the penalty for violating the law.[62] In New Jersey it is provided that mayors in cities of 100,000 population are to appoint bipartizan boards of excise commissioners consisting of four members, who shall serve for two years and have the sole power to grant licenses; the license fees are also provided for.[63] Only two acts have been passed by the California Legislature on this subject: one relating to the sale of liquor to Indians or habitual drunk-

ards;[64] and the other making it a misdemeanor to sell intoxicants to a child under 18 years of age, or to permit such child to enter a saloon or public house where liquor is sold.[65] In Tennessee it has been made a misdemeanor to send a minor to buy or procure intoxicating liquors,[66] or to sell, give to or procure intoxicants for inmates of charitable or correctional institutions.[67] Sales of liquor are prohibited within 4 miles of a schoolhouse in towns of 5000 inhabitants[68] or within the same distance of any national or confederate soldiers home,[69] and in prosecutions for violating such law the payment of an internal revenue tax is made prima facie evidence of such sale.[70] In Texas a sale or gift of intoxicants to habitual drunkards is prohibited;[71] provisions are made relating to the unlawful sale of liquor in county, justice precinct, school district, city, town or subdivision of county, possession of a United States license being made presumptive evidence of such sales.[72] The act relative to giving prescriptions in local option territory has been declared unconstitutional.[73]

The only amendment to the excise law in New Mexico relates to the sale of intoxicants to Indians.[74] In Arizona it is forbidden under certain provisos to grant licenses to sell liquor at retail within 6 miles of grading camps or public works employing 25 men.[75] In Utah the same prohibitions are in force except as to licensed saloons established six months before the beginning of the work.[76] The same state also amends the statutes relative to revocation proceedings.[77] In Indiana saloons are prohibited within 1 mile of a national or state military home or army post.[78] In Washington there have been two amendments to the law: one makes it a misdemeanor to sell intoxicants within 2000 feet of a reform school, normal school, agricultural college or state school for defective youth;[79] the other prescribes a similar penalty for maintaining a place where liquors are sold contrary to law, declares such places common nuisances, and provides the mode of procedure necessary for their abatement.[80]

In Kansas an act has been passed relating to the sale of liquors in drug stores, and regulating the fees of probate judges for

filing affidavits.[31] Another act provides that the attorney general, county attorney or a citizen of a county where intoxicants are sold contrary to law, may maintain an action in the name of the state to abate and enjoin such nuisance; penalties are also prescribed.[32] In North Dakota a new enactment prescribes the method of obtaining druggists permits to sell liquor, regulates the sale of liquor under such permits and regulates the life of the same;[33] also an act has been passed giving a reward of $50 for the arrest and conviction of persons violating the prohibition law.[34] The only recent amendment in Georgia allows the city authorities to prohibit Sunday liquor selling, and prescribes a penalty for such sale.[35] There have been two changes in the North Carolina excise law: one including in the term "inebriate" all those who through the use of liquor become violent or refuse to provide for their families[36]; and one regarding the examination, custody and commitment of inebriates to hospitals, the procedure therefore, and support of same.[37]

[1]Mass. '03 ch.460
[2]Mass. '03 ch.410
[3]Mass. '03 ch.461
[4]N. H. '03 ch.95
[5]N. H. '03 ch.123
[6]N. H. '03 ch.121
[7]N. H. '03 ch.122
[8]N. H. '03 ch.32
[9]Ct. '03 ch.104
[10]Ct. '03 ch.82
[11]Ct. '03 ch.1
[12]Ct. '03 ch.103
[13]Ct. '03 ch.100
[14]Ct. '03 ch.78
[15]Ct. '03 ch.79
[16]Me. '03 ch.170
[17]S. D. '03 ch.166
[18]S. D. '03 ch.167
[19]S. D. '03 ch.191
[20]S. D. '03 ch.165
[21]Vt. '02 ch.90
[22]Wis. '03 ch.418
[23]Wis. '03 ch.207
[24]Wis. '03 ch.141
[25]Wis. '03 ch.440
[26]S. C. '03 ch.12
[27]S. C. '03 ch.76
[28]S. C. '03 ch.77
[29]S. C. '03 ch.78
[30]Fla. '03 ch.83
[31]Fla. '03 ch.142
[32]Fla. '03 ch.84
[33]Fla. '03 ch.82
[34]Okl. '03 ch.19
[35]Va. '03 ch.151
[36]Va. '03 ch.272
[37]Va. '03 ch.158
[38]Va. '03 ch.311
[39]Va. '03 ch.101
[40]Mich. '03 ch.170
[41]Mich. '03 ch.62
[42]Del. '03 ch.371
[43]Del. '03 ch.464
[44]Id. '03 p.432
[45]Id. '03 p.346
[46]Ill. '03 p.164
[47]Minn. '03 ch.201
[48]Minn. '03 ch.265
[49]Minn. '03 ch.206
[50]Mo. '03 p.168

[33]Mo. '03 p.169
[34]Neb. '03 ch.57
[35]Nev. '03 ch.11
[36]Nev. '03 ch.103
[37]Nev. '03 ch.30
[38]N. Y. '03 ch.115
[39]N. Y. '03 ch.486
[40]Or. '03 p.169
[41]Pa. '03 ch.198
[42]Pa. '03 ch.189
[43]Pa. '03 ch.153
[44]W. Va. '03 ch.40
[45]N. J. '03 ch.189
[46]Cal. '03 ch.85
[47]Cal. '03 ch.240
[48]Tenn. '03 ch.63
[49]Tenn. '03 ch.175
[50]Tenn. '03 ch.2
[51]Tenn. '03 ch.144
[52]Tenn. '03 ch.355
[53]Tex. '03 ch.51
[54]Tex. '03 ch.40
[55]Tex. Stephens *v.* State, 73 S.W.1056
[56]N. M. '03 ch.30
[57]Ari. '03 ch.80
[58]U. '03 ch.17
[59]U. '03 ch.53
[60]Ind. '03 ch.209
[61]Wash. '03 ch.98
[62]Wash. '03 ch.28
[63]Kan. '03 ch.339
[64]Kan. '03 ch.338
[65]N. D. '03 ch.82
[66]N. D. '03 ch.139
[67]Ga. '03 p.96
[68]N. C. '03 ch.543
[69]N. C. '03 ch.329

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PUBLIC HEALTH AND SAFETY[1]

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General supervision. The first state to establish a central board of health was Louisiana in 1855 followed by Massachusetts in 1869. Since then the organization of state and territorial boards of health has rapidly progressed till in 1902 there remained only four states or territories without one. During the past year boards have been organized in Arizona, Georgia and Oregon, so that Idaho is now the only state without a central sanitary organization.

Those members of these boards who are not so by virtue of some other office are all appointed by the governor, and in Georgia ['03 p.72] it is required that one member be appointed from each congressional district. The question of the quarantine of one place against another has been one of vast importance in the Southern states, and the fact that this board has large quarantine power is doubtless the reason why it was deemed necessary to secure equal representation of all parts of the state by providing for a large board appointed as above. In Oregon ['03 p.82] it is provided that in the appointment of the six members of the state board various sections of the state shall be represented. The organization adopted in Arizona is more in accord with the modern tendency toward a compact executive. In this territory ['03 ch.65] the Board of Health consists of three members, the governor, the attorney general and a superintendent of public health appointed by the governor with the consent of the Legislative Council. In practice it will doubtless be found that the superin-

[1] *See also* Governors Messages and Summary of Legislation, 930.

tendent will perform all the duties of the board, the ex officio members merely serving as his advisors.

The duties of state boards of health were at first largely advisory, but of late they have been acquiring more and more authority, particularly in legislation, the direct control of communicable disease and the supervision of local sanitary officials. Notwithstanding the fact that there are important decisions against the validity of granting legislative power to purely appointive boards or officers, and though there are practical reasons why this should not be done, such powers continue to be freely conferred by state Legislatures. All of the state boards established in 1903 were invested with abundant authority to legislate, particularly in regard to quarantine, contagious diseases generally, nuisances and the disposal of dead bodies. Also in Delaware ['03 ch.327 § 3], Nebraska ['03 ch.59 § 1] and New Mexico ['03 ch.103] additional powers of a similar nature were given to the already established State Board of Health. In Delaware the state board is given the very broad authority to make regulations concerning contagious diseases, the removal of dead bodies "and such other sanitary matters as admit of and may best be controlled by a universal rule." In New Mexico the central board has the authority conferred by the century old Massachusetts law, which has been so often copied, to make "regulations respecting nuisances, sources of filth and causes of sickness," though in most of the states following this form such powers are conferred only on the legislative branch of various local governments. Besides the conferring of legislative power on the state board, the centralizing tendency in sanitary affairs is shown in other ways.

Nearly all of the acts of the year relating to state boards invest them with the control of quarantine. There is often much uncertainty attaching to the use of this word even in statute law, but properly, quarantine refers to the control of communication with infected cities, townships or districts, though it is often erroneously applied to the isolation of infected persons in their homes. Most of the recent laws on the subject place the control

of quarantine with the state board rather than with local boards where it was formerly often lodged. The laws are sometimes very broad as in Georgia, where the state board is to have "supreme authority" in matters of quarantine. This central control is certainly a distinct advantage, and will do away with most of the annoying and often unreasonable restrictions on commerce which were formerly the result of every outbreak of yellow fever. While the states are thus gradually assuming control of inland quarantine, they are transferring to the federal government authority over maritime quarantine though no state has taken this step during the year just past.

Most of the state boards are now given very considerable executive power even in local sanitary management. Usually this control in local affairs is conferred on the state board only when the local authorities fail to take proper steps to control contagious diseases or to abate nuisances, or are otherwise negligent in the performance of prescribed duties. Georgia ['03 p.72 §3], Indiana ['03 ch.83], Nebraska ['03 ch.59] and Oregon ['03 p.82 §10] have such provisions, and similar authority is granted in Delaware ['03 ch.327 §3]. In Arizona ['03 ch.65 §10] the state exercises a more complete control in local affairs, for the county superintendent of health is to be subject to "the supervisory control of the Territorial Board of Health and the territorial superintendent of health." In Nebraska ['03 ch.59], in order to better supervise the local sanitary administration, a state sanitary inspector is appointed. But the state can exercise the most effective control in local affairs by appointing the local sanitary officials. During the year two territories provided for this. In New Mexico ['03 ch.103 §22] the Territorial Board of Health appoints the county health officer and his assistants, and in Oklahoma ['03 ch.5] the superintendent of the territorial board appoints the superintendent of the county boards. In New Jersey ['03 ch.215] an entirely novel method has been inaugurated of exercising a central control over local sanitation. It is generally recognized that one of the greatest hindrances to successful sanitary work is the inefficiency of local officials. To overcome this

it is provided in New Jersey that after Jan. 1, 1905, no local board of health may appoint any one as health officer or sanitary inspector unless he has a license from the State Board of Health. The state board is to determine fitness by examination, and is to issue licenses for health officers and for three classes of sanitary inspectors. The third-class inspectors may serve only in townships, the second class in municipalities other than cities, and the first class inspectors are eligible for appointment anywhere in the state. In a number of states the attempt is made to educate health officers and unify sanitary work by means of associations or conferences. In Indiana ['03 ch.83 §6] it is made a duty for each local board to be represented at conferences called by the state board and the expenses of the delegate are to be paid by the local government represented. In New Mexico ['03 ch.102 §3] and Texas ['03 ch.114] the central sanitary authority has been given a new duty in the supervision of the sanitary conditions in railway cars and sleeping coaches operated within the state.

In most of the thickly populated states provision has long since been made for the establishment of a local sanitary authority in cities, townships and counties but some of the Western states were still 1903 still unprovided with local boards. In Nebraska ['03 ch.62], where the county commissioners were practically a board of health, it is now mandatory that the county commissioners shall establish a board of health of which one member shall be a physician, though the commissioners still retain their legislative power. In Arkansas ['03 ch.42] the county judges may appoint a local board of health. In Arizona ['03 ch.65 §6] the board consists of the chairman of the supervisors, the county attorney and the superintendent of health appointed by the governor. In Oklahoma ['03 ch.5] it consists of the superintendent of schools, appointed by the territorial board, a physician appointed by the county commissioners and the chairman of the board of commissioners. In Oregon ['03 p.82 § 8] the local board consists of the county judge and the county physician, or if there is no county physician, of the county judge alone. The board in Arizona has legislative power, but not in

Arkansas, Nebraska, Oklahoma or Oregon. In Washington ['03 ch.65] the county board already provided for was given authority to make rules in regard to contagious diseases, but these must be approved by the State Board of Health. The Arizona law ['03 ch.65 §15] provides for municipal boards of health to consist of two members of the city council to be appointed by the mayor, the city engineer and the health officer who is appointed by the mayor and council.

Vital statistics. So far as state legislation is concerned there has been very little progress during the past two years. In fact there has been some regression, for Illinois, which in 1901 adopted an excellent law for the registration of vital statistics, in 1903 ['03 p.315] destroyed its value so far as the registration of deaths is concerned by repealing the clause which required a permit before burial. In Arizona ['03 ch.65 §36-41] the health officers of cities and the superintendent of health of counties are made registration officers and physicians and midwives are to report all deaths and births, and householders and parents are also made responsible for the reports of births and deaths. The local health officer is to send a certified copy to the county superintendent of health and the latter is to report quarterly to the territorial superintendent. A similar law was enacted in Oregon ['03 p.82 §§1-12]. Texas ['03 ch.135] added the registration of vital statistics to the duties of its "quarantine" department and the name of the latter was changed to the Department of Public Health and Vital Statistics. The act is not a good one for it merely provides for the returns of births and deaths by midwives and physicians, and does not require a permit for burial. Most of the other acts of the year relating to this subject deal with minor matters. In North Dakota ['03 ch.205] the law was made more explicit in many particulars and where formerly there had been one registration officer for each county, one is provided for each township or county district. In Maine ['03 ch.203] provision was made for the recording and printing of old records previous to 1892.

Communicable diseases, general. The prevalence of smallpox during the past few years has been productive of considerable legis-

lation directed ostensibly against this disease but actually against all diseases of this class. During 1903 Indiana ['03 ch.83], Nevada ['03 ch.61], New Mexico ['03 ch.103] and Pennsylvania ['03 ch.58] enacted general laws on this subject of which that of Indiana is the fullest and most explicit. It provides for the reporting and isolation of communicable diseases, the placarding and disinfection of premises, school attendance, forcible removal to the hospital and similar measures. Many of these matters had previously received consideration in the rules of the state board, but it was evidently deemed preferable to embody them in statute law. Some of the acts establishing central boards of health previously referred to, give the latter the power of interfering in the local management of communicable diseases, and similar power is given by some of the laws referred to under this heading, as in Indiana, and Pennsylvania. In the latter ['03 ch.395] $50,000 was set aside as an emergency fund to be used by the state board in the suppression of epidemics beyond the ability of the local authorities to check. In Minnesota ['03 ch.127] it is provided that all necessary expenses incurred by a town, borough, city or village in the general control of infectious disease shall be equally divided between such municipality and the county. North Dakota ['03 ch.40] and Wyoming ['03 ch.94] also provide for the distribution of such expenses between the township and county. Reports of communicable disease are required by statute in Arizona, Delaware ['03 ch.328], Indiana, New Mexico and North Dakota. Pennsylvania ['03 ch.132] requires the disinfection of all schoolhouses every two weeks by a method approved by the board of health. Besides the above legislation, a number of amendments in existing statutes relative to communicable disease were made in several states.

Protective inoculation. In Arizona ['03 ch.65 §29] vaccination has been made compulsory. In New Mexico ['03 ch.103 §21, 29-31] the vaccination of school children is made compulsory and the local boards are authorized to vaccinate all persons. In Washington ['03 ch.65] the local boards may vaccinate all exposed persons; but Minnesota ['03 ch.299] now forbids the

requirement that school children shall be vaccinated except in times of epidemic, and the requirement even then is so limited that it may become worthless. In South Dakota also ['03 ch.223] the school vaccination law was weakened. In Massachusetts however a forward step was made in providing that the State Board of Health might produce and distribute antitoxin and vaccine lymph, and in Oklahoma ['03 ch.2] $2500 was appropriated for the manufacture and free distribution of vaccine by the Agricultural Experiment Station. Michigan ['03 ch.116] and Texas ['03 ch.125] both provide for the treatment of cases of hydrophobia in state institutions. In the latter state $5000 was appropriated for the establishment of a Pasteur institute in connection with the State Lunatic Asylum.

Tuberculosis. The fight against tuberculosis continues to be uppermost in the minds of health officials and the building of sanatoriums is continually urged on state Legislatures. During the year, Minnesota ['03 ch.316] appropriated $25,000 for this purpose, Pennsylvania ['03 ch.430] $8000 (the sanatorium to be in charge of state commissioner of forestry), and Rhode Island ['03 ch.1096] $75,000. New Hampshire seeks to provide sanatorium facilities by authorizing the State Board of Charities and Corrections to pay for the treatment of indigent patients at sanatoriums. Tuberculosis commissions have been appointed in Vermont ['02 ch.116] and Wisconsin ['03 p.776], and in the former state ['02 ch.117] physicians are required to report all cases of this disease to the State Board of Health. In New York ['03 ch.638] no sanatorium shall be established without the consent of the town board and the supervisors of the county.

Disposition of the dead. Connecticut ['03 ch.159], Maine ['03 ch.93, 98] and Texas ['03 ch.95] established boards for the examination and licensing of embalmers, and Vermont ['02 ch.118] conferred this authority on the State Board of Health. In Michigan ['03 ch.132] the powers of the State Board of Health in regard to licensing were increased. Most of the laws give the board authority to regulate the mode in which bodies shall be prepared for burial and transportation. The State Board of

Delaware ['03 ch.327] and the Territorial Board of Arizona ['03 ch.65 §4] also have power to make such regulations of a similar character are found in the statutes of Vermont ['02 ch.113 §20-22], Connecticut ['03 ch.186] and New Mexico ['03 ch.103 §20].

Burials and cemeteries. Quite a number of laws were passed concerning cemeteries, mostly concerning their general management by municipalities or corporations. Perhaps the most important of these was that of Illinois ['03 p.90]. It provides for acquirement of property, conveyances, reports, rules and exemption from tax and provides for crematory associations. [illegible] prohibits burials where it is necessary to [illegible] Indiana ['03 ch.31], North Carolina [illegible] Wisconsin ['03 ch.406] passed laws relating to [illegible] anatomic material. In Indiana the matter is in charge of a board consisting of the secretary of the State [illegible] representative of each medical school; the board consists of the professors of the [illegible] The Wisconsin act was an amendment [illegible] of bodies in the western part of the state [illegible] anatomy of the State University, and in [illegible] appointed by the medical schools.

[illegible] of the ordinary nuisances have little [illegible] nevertheless sanitary officials have in [illegible] energy to their abatement. Most of [illegible] in effect are ample and of long standing. [illegible] asked for. In Indiana ['03 ch.181] [illegible] quite stringent laws were passed [illegible] disposition of dead animals, but these [illegible] primarily the prevention of infection [illegible] expectoration in public places con- [illegible] Kansas ['03 ch.217], Maine ['03 [illegible], New Jersey ['03 ch.260] and [illegible] laws on this subject. The Kansas [illegible] only, that of Maine, New Jersey

and Vermont in cars or stations, while that of New Hampshire forbids it in cars, public buildings and on sidewalks.

Florida ['03 ch.153], New Jersey ['03 ch.45] and New Mexico ['03 ch.60] authorize certain of their municipalities to provide or contract for the removal of garbage and ashes.

There was considerable legislation looking toward the prevention of the pollution of public waters. Some of this merely considers gross pollution, such as would offend the senses, and often the deposit of specified polluting substances as chemicals, sawdust or coaldust is forbidden. Massachusetts ['03 ch.358], Nevada ['03 p.224] and New York ['03 ch.539] have wisely established commissions to consider the pollution of important waters, and in Nevada the commission is to cooperate with a similar commission in California. The prevention of the transmission of disease by means of water is still more important. In New Hampshire ['03 ch.38] the State Board of Health may forbid the use of polluted water for domestic purposes, which gives it great power over all corporations furnishing water. Several states had already given their state boards of health very great control of public water supplies and during the year that of New York was greatly extended ['03 ch.468]. Hereafter in that state no new conduits or works for the discharge of sewage into any water can be undertaken without the permission of the commissioner of health. In Vermont ['02 ch.115] the State Board of Health was given considerable authority to inspect and protect water supplies but not the power to make regulations as in Massachusetts and New York. Pollution with fecal matter is forbidden. A quite elaborate act in North Carolina ['03 ch.159] provides for the periodic inspection of the watershed of public supplies and the chemical and biological examination of the waters under the direction of the State Board of Health. Many of the more dangerous forms of pollution are specifically forbidden.

Fires and general safety. To guard against prairie fires Montana ['03 ch.63] enacted a law compelling railroad companies between Ap. 15 and July 1 annually to make a fire guard on each side of their tracks by suitably plowing and burning. The act is care-

fully drawn to secure good work and at the same time to avoid inflicting undue hardship on the company. To protect against fire in urban communities South Dakota ['03 ch.96] authorizes its municipalities to establish fire districts and regulate the construction of wooden buildings and provide for their removal. New Hampshire ['03 ch.136] made its building law applicable to the remodeling as well as construction of buildings. A number of laws were passed in regard to fire escapes and means of exit, the most complete of which was that of Indiana ['03 ch.222], which takes the place of former statutes. It covers such matters as stairways, doors, aisles and their freedom from obstruction, theater curtains, external fire escapes, watchmen, notices and alarms in hotels and similar places, rope escapes in each room and state inspection of buildings. One or more of such items or similar ones are touched on by laws in several other states. Illinois ['03 p.96] enacted that municipalities might provide for the examination, licensing and regulation of elevator operators. A Minnesota law ['03 ch.194] permits cities to establish a building line not over 50 feet from the street line. The easement for this may be acquired by purchase, grant or condemnation, the procedure for which is prescribed. The danger of accident when gas is turned off at the meter in public houses is a real one. In California ['03 ch.236] it is forbidden to so turn off gas in hotels and similar places unless all burners are provided with efficient automatic igniters. In Virginia ['03 ch.318] hotel keepers must exhibit printed notices in regard to the proper use of gas.

Tenement houses. The tenement house problem is only important in the larger cities and most of all in the city of New York. Notwithstanding the care that has been bestowed on the New York law, it does not long remain satisfactory to the parties interested. In 1903 ['03 ch.179] another long and complicated amendment was adopted. The Pennsylvania law was also amended ['03 ch.57, 87] in many particulars. New Jersey ['03 ch.131] provided for a commission of five appointed by the governor to investigate the tenement house problem. In Wisconsin ['03 ch.203] the commissioner of labor statistics and the state and

local boards of health are authorized to inspect tenement houses, but are given no authority over them.

Explosives, boilers, miscellaneous. Utah ['03 ch.76] forbids the storing of over 500 pounds of explosives within 500 feet of a residence or traveled road. In Illinois ['03 p.159] the manufacture of high explosives within ½ mile of an inhabited dwelling was prohibited absolutely, but it is now permitted if the consent is obtained of a majority of the legal voters residing within the half mile radius. The shipment of loaded firearms is forbidden in Idaho ['03 p.345]. Several states passed laws relating to the sale and use of explosives, but they were mostly of little general interest. In South Carolina ['03 ch.82] a dealer must not sell a powerful explosive unless he is satisfied that it is not to be used for killing fish. The injuries due to the use of pistols in the hands of children have called forth several acts. In Virginia ['03 ch.186] it is forbidden to furnish firearms to a child under 12. Pennsylvania ['03 ch.142] forbids the discharge of "metal pellets" by any implement in the streets of municipalities. In South Carolina ['03 ch.79] the sale of toy pistols is forbidden. Wisconsin cities ['03 ch.55]may regulate the storage of nitric and other fuming acids and order buildings in the cities of the fourth class to be provided with automatic sprinklers. Several states amended along ordinary lines, their laws relating to steam boilers, steam vessels or other motor craft. Among the more novel of the acts relating to public safety were those of New York ['03 ch.494] and North Dakota ['03 ch.81] regulating leaving on premises or giving to children samples of drugs, medicines or chemicals, and of California ['03 ch.232] and Michigan ['03 ch.125] requiring the owner to fence abandoned shafts or excavations.

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REVIEW OF LEGISLATION 1903 LEGISLATION BULLETIN 22k

Food Legislation W. D. Bigelow
Contagious Diseases of Animals D. E. Salmon

FOOD LEGISLATION[1]

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During the last meeting of the Legislatures of the various states the amount of food legislation enacted was considerable. The extent and nature of the changes made in the laws were such as to indicate a somewhat unsettled condition, though there is on the whole a decided gain in uniformity. The great question as to whether the benefits of food legislation can best be secured by one general, comprehensive law, or by a series of laws of less extent has not yet been settled.

In states enacting legislation of some importance for the first time it is noticeable that comprehensive laws are now usually enacted as in the case of Idaho ['03 p.95] and Wyoming ['03 ch.82]. On the other hand, states which have begun with a series of laws, each of which regulates one or two classes of foods only, have continued with legislation of that nature, increasing or amending the legislation by separate enactments as it was found necessary. It is noticeable, however, that Minnesota ['03 ch.163], which is given to the consideration of separate food laws, has enacted a law which, while it does not replace or include the various minor laws heretofore enforced, may still be regarded in a certain sense as a general food law, and which embraces many of the essential features of the national food bill which has attracted so much attention during recent years. Many of the essential features of the national bill just referred to are also embodied in

[1] *See also* Governors messages and Summary of Legislation, 955

recent legislation in New York ['03 ch.524], North Dakota ['03 ch.6] and Utah ['03 ch.25].

One of the great advantages that have been found for special legislation for individual subjects is the fact that opposition to such legislation is scattered, and there is not the likelihood of its being concentrated that obtains in the case of a law whose provisions include a large number of classes of foods. On the other hand, the system for the enforcement of a number of separate laws is much more complicated than in the case of a single comprehensive law.

A tendency is noticeable in the direction of making the laws more flexible and giving the authorities charged with their enforcement a certain amount of latitude in order to enable them to meet new conditions. Where this plan is followed such officers are charged with establishing standards. Such authority, however, has always met with violent opposition, a large element claiming that the placing of the authority to establish standards in the hands of authorities charged with the enforcement of the law was delegating legislative authority. This question has been finally decided by the Supreme Court of the United States in a decision which has just been handed down, in which it is ruled that the law authorizing the secretary of the treasury to fix standards for tea is entirely constitutional and proper. This decision will influence materially food legislation in general, both national and state.

There is also a tendency to consider more carefully the qualifications of the officers charged with enforcing the law. It is unfortunately true that in too many cases in the past such positions have been regarded as a reward for politicians. In some instances men have been appointed who did not have the degree of familiarity with the requirements of either the public or the trade which the position would seem to demand. The tendency, therefore, to remove the administration of the law as far as possible from politics is one that should be welcomed.

In several states, which have recently enacted for the first time important measures relating to the purity of foods, the chemical

work has been placed by law in the hands of the chemist of the agricultural experiment station or state university. Such disposition of the work seems to gain in favor at the present time. Till a few years ago the Connecticut Experiment Station was the only one charged with the state work in the examination of foods. During recent years, however, the same plan has been followed in Kentucky, North Carolina, Oregon and Washington, and the more recent legislation in Idaho, North Dakota and Wyoming makes the chemical work for those states also the duty of the officers of the experiment station or university. In states where a large appropriation can not be given for this work much can be said in favor of having the work done under such auspices since it can be done much more economically in a well established laboratory such as is found in most of our state experiment stations and universities than it can be in a small laboratory established specially for that purpose.

With very few exceptions the officers charged with the enforcement of the food laws are paid a stated salary, either annually or, as often occurs in the case of inspectors, daily for the time employed. In very few cases fees may be charged, depending on the number of prosecutions or the number of samples taken. It is to be deplored that one of the recent laws [N. D. '03 ch.6] provides that sheriffs shall serve as food inspectors and be compensated by fees and mileage, which must necessarily depend on the extent of the enforcement of the law.

Most states have on their statute books old laws prohibiting the adulteration of food in such general terms that no conviction is possible. In recent years there is little legislation of that nature, though such a law has been passed in Florida ['03 ch.65]. The enforcement of this law has been rendered even more impossible than it would otherwise have been by the provision that conviction can not be secured if the accused can show that he had no knowledge of the nature of the product he was selling, and could not with reasonable diligence obtain such knowledge.

The advisability of requiring canners to brand their wares with the date of manufacture has been seriously contemplated in

several states, and in Idaho ['03 p.95] it has been required by law. The attorney general of the state, however, has rendered an opinion, based on a technicality that this provision is unconstitutional.

One of the subjects to which a very large amount of attention has been paid during recent years is that of preservatives. The attention which has been given to this matter in England and the legislation in Germany have done much to awaken popular interest in the matter, and the action of several of the Legislatures and officers charged by the laws of the various states to establish standards has greatly increased such interest. A strong desire is evidenced on every hand for information regarding the wholesomeness of preservatives and regarding their effect on nutrition, and Congress has included in the appropriation of the Bureau of Chemistry, United States Department of Agriculture, a fund for the study of this question. The results of the work, which has now been under way for something more than a year, will doubtless greatly influence food legislation in the United States as well as in other countries on the subject of chemical preservatives.

During the last year aside from the decisions of food commissioners and other authorities charged with the enforcement of the food laws Minnesota ['03 ch.260] has forbidden the use of injurious preservatives or those which tend to conceal decay; Pennsylvania ['03 ch.254] has forbidden the use of formaldehyde and sodium fluorid and has restricted the use of boric acid in foods to ½%; North Dakota ['03 ch.6] has forbidden the use of preservatives altogether; and Utah ['03 ch.97] has increased the list of preservatives previously prohibited.

A tendency in the direction of safeguarding the milk supply is specially noticeable, and the standards of composition for milk as well as the sanitary regulations regarding the keeping of cows and the management and care of dairies are being made more stringent. As illustrations of this, may be mentioned the laws of New Jersey ['03 ch.126] and Wisconsin ['03 ch.67].

The sentiment favoring the enactment of a national food law has greatly strengthened during the last year, and a bill, which

has met with very little open opposition, has passed the House of Representatives and has been favorably reported to the Senate. Up to the time of this writing it has not been brought to a vote in the Senate. In the same connection may be mentioned a law regarding imported foods which was passed by Congress at its last meeting [U. S. '03 ch.1008]. This bill is being enforced by the Bureau of Chemistry of the Department of Agriculture, and Congress at the present meeting has indicated its interest in the matter by increased appropriations for its enforcement. The experience in enforcing this bill has brought out more strongly than ever the necessity of an interstate food law since it has called attention to the fact that in some cases where adulterated foods are forbidden admission into the United States, the various substances used for their preparation are sometimes brought into the country and mixed here by agents who were formerly accustomed to import them already mixed. The experience thus gained, therefore, has called attention to the fact that the benefits incident to such legislation can not be fully attained without the assistance of a federal interstate law.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS[1]

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Twenty states and territories passed laws on the above subject during 1903, in addition to an important federal law enacted to facilitate interstate trade in domestic animals. Congress also voted $500,000 for the purpose of stamping out the outbreak of foot and mouth disease which raged in some of the New England states during the winter of 1902-3.

A synopsis of the laws in detail is as follows:

United States. An act approved Feb. 2, 1903, transfers to the secretary of agriculture certain powers in regard to regulating commerce in domestic animals, which were conferred on the secretary of the treasury by the federal law of 1884 creating the Bureau of Animal Industry. The new law enables the secretary of agriculture to regulate interstate traffic in animals in regard to their inspection for communicable diseases, and puts an end to the present system whereby fees are exacted for this purpose by state officials. Section 2 of the new law gives the secretary of agriculture power to make regulations governing the foreign and interstate trade, and also to seize and quarantine or destroy material, such as forage, meats, hides etc., whenever necessary to prevent the spread of contagion.

California. An act approved Mar. 24, 1903, creates the office of state sheep inspector and makes the state veterinarian the incumbent of the office ex officio without additional salary. Practical sheep men may be appointed as deputies in each county at a salary of $4 a day, to be paid by the owners of sheep examined. All sheep must be examined twice a year, and any found diseased must be quarantined. Unsound or scabby sheep can not be moved without a permit. Owners neglecting to dip sheep within 15 days after written order from inspector shall be fined $100 to $250. Ewes with lambs need not be dipped from Dec. 15 to May 15, but they must be quarantined and those infected

[1] *See also* Governors Messages and Summary of Legislation, 1143.

with scab hand-dressed. Persons in charge of sheep refusing to give information shall be guilty of a misdemeanor and punished by fine. Transportation companies are enjoined under penalty from moving sheep without certificate. Deputy inspectors have power to arrest violators of the law.

Colorado. An act approved Ap. 6, 1903, establishes a state board of stock inspection commissioners, prescribing their duties and powers in connection with the inspection of live stock and suppression of diseases. The commissioners, of whom there are nine, five cattle men, three sheep men and one horse man, are appointed by the governor, each for two years. They are not to receive any salary or emolument whatsoever. The board shall elect its president and treasurer from among its own members. The secretary shall receive $1500 a year and must devote his whole time to his duties. A stenographer is also provided for at a salary of $900 a year. The board has power to appoint the necessary brand and sanitary inspectors at a salary not exceeding $100 a month, also a state veterinary surgeon at $1500 a year and necessary expenses. The board may make the necessary regulations for quarantine, importations etc. and impose inspection fees; it may order diseased stock to be destroyed without compensation and secure evidence on oath. Animals to be shipped out of the state must first be inspected, and it is unlawful for railroads to ship animals without inspection certificate, the method of such inspection being set forth. There is a penalty for shipping animals other than those described in the certificate of inspection. It is unlawful for an inspector to issue a false certificate. Inspectors shall hold animals not belonging to shippers, which shall be disposed of by the board, the proceeds going into the estray fund. No claims shall be allowed from the estray fund after three years. Acts of 1881, 1885, 1893 and 1899. being in conflict with the above law, are repealed.

An act approved Ap. 14, 1903, appropriated $2100 to pay outstanding certificates issued by the State Veterinary Sanitary Board, describing the method of paying the same.

Florida. An act approved June 6, 1903, authorizes the board of trustees *of the University of* Florida to investigate diseases

of domestic animals, prescribe rules, etc. The board may employ a properly qualified veterinarian. The duties and powers of board and veterinarian shall be controlled as far as applicable by the laws regulating the State Board of Health and state health officers.

Idaho. An act approved Feb. 17, 1903, amends portions of a law of 1901. In section 16, provisions covering the inspection regulations and charges on sheep entering the state are changed so as not to apply to sheep passing through on railroad cars. Other minor changes in the mode of inspection are also introduced, including the discontinuance of the deposit of $10 per 3000 head required with each application for inspection. The penalty for violating the section in question is enlarged by the addition of imprisonment, as an option, as well as the fine. Section 17 is changed by omitting entirely the first portion and by broadening the clause respecting the seizure of the sheep for violating the preceding section so as to include not only section 16, but the whole act.

An act approved Feb. 17, 1903, amends section 1 of a law of 1901 relative to quarantine, by adding a clause whereby the governor is authorized to proclaim quarantine only on certification in writing from the state sheep inspector. The maximum penalty for violating quarantine regulations is also raised from $1000 to $5000.

An act approved Mar. 6, 1903, amends a law of 1901 relative to the compensation of the state sheep inspector. In addition to the salary of $1200 a year the new law provides for mileage at the rate of 10 cents a mile, the total of which is not to exceed $1000 a year.

An act approved Mar. 10, 1903, provides a penalty for importing or driving into the state diseased animals or for allowing such animals to run at large, or for selling or otherwise disposing of them (without reference to any civil action for damages which may be instituted), and sets forth powers of justices of the peace in regard to impounding and destroying diseased animals, together with fees for same.

Massachusetts. An act approved Jan. 31, 1903, appropriates $7000 for the compensation of inspectors of animals. An act approved Feb. 13, 1903, appropriates $58,000 for exterminating contagious diseases among domestic animals. An act approved May 5, 1903, amends R. L. ch. 90 § 31 relating to the tuberculin test by adding that the tests as prescribed shall be made free of charge. A resolve approved May 26, 1903, appropriates $40,000 to pay for animals destroyed in exterminating foot and mouth disease, this being additional to the amount paid by the United States.

Minnesota. An act approved Ap. 8, 1903, amends the law of 1901 in regard to slaughter and appraisal of diseased animals. The amount of the appraisal is to be paid by the state or municipality ordering the killing, instead of one fifth by the place where the animal was kept and four fifths by the state. The limit of appraisal for a tuberculous cow is changed from $40 to $35, and a limit of $75 placed on a glandered horse; glanders was not mentioned in the previous law. The old law provided for two sets of experts, one for killing and one for appraising. The new law combines the two and provides for 3 experts only, one to be chosen by city board of health, one by the owner and one by the two already chosen; in case the owner fails to name one the city board may appoint. The experts moreover must be actually present at the killing.

An act approved Ap. 22, 1903, establishes a live stock sanitary board, prescribing its duties, powers, etc. It shall consist of five members, three stockmen and two veterinary surgeons, to be appointed by the governor. The board shall meet at St Paul and shall elect its necessary officers and employees. Local boards of health are required to cooperate with the board when so directed by the latter. The authority conferred on the former State Board of Health is transferred to the present one, and all books, papers etc. must be turned over. The board may issue quarantine orders, condemn cattle to be slaughtered and take other measures necessary to suppress disease. All such rules shall be recorded and published in a newspaper. Animals killed by order of the board are to be appraised and paid for, the mode of paying both

appraisement and post-mortem being set forth, also the apportionment of the cost of slaughtering and quarantine of diseased animals. The board has power to examine witnesses under oath and must make an annual report to the governor.

Montana. An act approved Feb. 24, 1903, amends P. C. § 3033, 3039 relating to treating diseased sheep by making it the duty of the deputy inspector to personally conduct the measures for eradicating the disease.

Nevada. An act approved Mar. 13, 1903, provides that on application of 10 citizens the governor may proclaim quarantine against any other state or district where disease exists, not, however, to apply to animals traveling by rail through the state with the permission of the United States government. The governor is empowered to employ a veterinary surgeon to investigate diseases of live stock. A penalty is imposed for violating the quarantine laws.

New Mexico. An act approved Feb. 12, 1903, amends two sections of C. L. '97, (one referring to slaughtering and appraising diseased cattle and the other to levying tax or issuing bonds in case of epidemic), by including Texas fever, which was expressly excepted in the old law, among the other contagious diseases over which the Cattle Sanitary Board may exercise authority.

An act approved Mar. 14, 1903, amends C. L. '97 § 160 by increasing the number of persons on the Sheep Sanitary Board from three to five. It also promulgates a number of new rules concerning sheep, as follows: Sanitary inspection of sheep entering or leaving the territory is unnecessary after they have been inspected by the United States Government. A record must be kept of all sheep imported and an examination made of all sheep exported. A fee of 5 cents a head is imposed on all sheep brought into the territory to graze. Owners of scabby or otherwise diseased sheep are subject to a penalty. The board is authorized to levy an annual tax on the assessed value of all sheep in the territory.

New York. An act approved Jan. 23, 1903, appropriates $10,000 for suppressing contagious diseases of domestic animals.

North Carolina. An act ratified Feb. 11, 1903, prohibits diseased hogs in certain localities from running at large, the owners in such case being subject to penalty. If such hogs die the owners must at once bury or burn the carcasses.

Pennsylvania. An act approved Mar. 25, 1903, deals with repressing tuberculosis of cattle. Provision is made for inspecting meat and carcasses, disposing of diseased carcasses, appointing appraisers when necessary, and the method of paying the amount of the appraisal to the owners. An act approved May 15, 1903, appropriates $25,000 for preventing tuberculosis and other diseases of domestic animals, the work to be under the direction of the State Live Stock Sanitary Board.

South Carolina. An act approved Feb. 21, 1903, prohibits the importation of stock suffering from contagious diseases. Violation of this law is a misdemeanor, punishable by fine or imprisonment.

South Dakota. An act approved Feb. 16, 1903, makes it unlawful for sheep to enter the state unless written notice has been given to the sheep inspector. The inspector shall then examine the sheep, and if any are diseased they shall be quarantined not exceeding 90 days and treated before certificate can be issued. An act approved Mar. 9, 1903, amends P. C. § 2990 by raising the salary of the state veterinary surgeon from $1200 to $1500 a year.

Texas. An act approved Mar. 31, 1903, exempts certain counties from the operation of P. C. ch.4 t. 17 relating to contagious diseases among animals.

Utah. An act approved Mar. 9, 1903, establishes the State Board of Sheep Commissioners and creates the office of state sheep inspector. The members of the board shall be woolgrowers; they shall be appointed biennially by the governor and shall receive $3 a day and traveling expenses while serving on the board. The state sheep inspector shall also be appointed by the governor and receive a salary of $1500 and traveling expenses. The board may appoint a secretary at a salary not exceeding $750, make rules and regulations, and cooperate with the United States Bureau of Animal Industry. The amount of the annual sheep

tax, not to exceed 4 mills on $1, shall be fixed by the board. The state sheep inspector shall superintend the enforcement of all rules, etc. and may with the consent of the board appoint deputies at $5 a day and traveling expenses, to assist him. He must keep a complete record of all sheep in the state and report to the board as often as requested. Sheep may not pass from one district to another without a certificate of inspection. Owners must notify inspector of the existence of scab or any other contagious disease. Sheep that are diseased, or have been exposed to contagion, shall be quarantined at expense of owners. All sheep must be periodically dipped when ordered by the board; formulas of a lime and sulfur, also a tobacco and sulfur dip are given. A penalty is imposed for refusing to dip or for infringing any other rules or regulations of the board. Owners must give 10 days notice to inspector before sheep can enter the state, sheep in transit on cars excepted. Scabby sheep can not be moved without written permit from inspector. The governor may prohibit importations from any place outside the state where disease exists. The law defines procedure by state auditor in paying deputy inspectors for services, and provides penalty for violating provisions of the act.

Vermont. An act approved Dec. 10, 1902, creates a board of cattle commissioners and defines its duties and powers. The board shall consist of three members, one practical farmer and two veterinarians, to be appointed by the governor. They shall receive $3 a day and expenses. The board has power to quarantine cattle on entering the state except those in transit on cars, and to apply the tuberculin test. A fine of $50 for each animal is imposed for violating this quarantine law. Owners may request board to examine cattle suspected of disease, and the board may also investigate cases of contagious disease wherever thought to exist, and, if necessary, institute quarantine and other measures for extermination. Animals ordered to be killed shall be appraised, the owners to receive 80% and the hide. A penalty is imposed on owners for disposing of animals known to be tuberculous or suffering from any other contagious disease. The board must send report to governor annually.

An act approved Dec. 12, 1902, provides that Vermont cattle subjected to the tuberculin test in any part of Massachusetts which does not accept a Vermont test, and condemned thereunder, shall be sold for the highest price obtainable and a report sent by the owners to the board. The owners shall be reimbursed to the extent of 80% of the purchase price less the amount realized by the sale. The board shall request a certificate from the Massachusetts authorities giving cause of rejection, etc. Butchers slaughtering cattle purchased in Vermont and found to be tuberculous shall be indemnified in like manner after reporting to the board. A fine is imposed on all persons making a false statement in a report.

Washington. An act approved Feb. 27, 1903, amends the law of 1895 relating to the state veterinary surgeon by allowing him such clerical assistance and other office incidentals as may be necessary. The law also adds two new sections defining quarantine and enjoining all veterinarians in the state, under penalty, to report all cases of contagious disease coming to their knowledge.

An act approved Mar. 16, 1903, prohibits importing domestic animals unless accompanied by a certificate of health and an official permit. Breeding and dairy cattle must submit to the tuberculin test. Animals brought into the state for exhibition purposes are exempt, unless sold to remain in the state. Violation of this law is a misdemeanor.

Wisconsin. An act approved Mar. 21, 1903, amends a law of 1901 relating to slaughtering and appraising diseased animals by adding a clause whereby the slaughter of appraised animals may be made under the direction of the state veterinarian, or his assistant, or any member of the Live Stock Sanitary Board. This is in addition to the local health officer, or the chairman of the town board, as was formerly provided.

An act approved May 6, 1903, governs the importation of range or western horses. They must not enter the state unless inspected and certified by a veterinary surgeon to be free from disease. The method of preparing the certificates is set forth. Horses

entering without certificate shall be quarantined, and, if found diseased, shall be slaughtered at the expense of the owners. Suspected horses, though certified on entrance into state, may be subsequently examined. The law shall not apply to horses passing through the state which are unloaded for feeding for a less period than 48 hours. Violations of this law are punishable by fine.

An act approved May 9, 1903, amends S. '98 § 1492a relating to duties of local health boards and powers of the state veterinarian by adding a penalty of $25 to $200, or imprisonment not less than 30 days for removing a quarantined animal without permission. A clause is added stating that local health officers shall be removed from office for failure to cooperate in the work of eradicating contagious diseases.

An act approved May 13, 1903, amends S. '98 § 1492 relating to the state veterinarian by stating that he shall be a graduate of a veterinary college, that his permanent office shall be at the capitol, and that he shall devote his entire time to the duties of his office.

An act approved May 20, 1903, amends S. '98 ch. 12 §170 by raising the salary of the state veterinarian from $2000 to $2250.

Wyoming. An act approved Feb. 18, 1903, enables owners of domestic animals to call on the state veterinarian to investigate any case of contagious disease, creates the veterinarian's special contingent fund of $500 a year and describes its uses, and calls for a special report to the governor from the veterinarian giving details of the work of the latter's office.

An act approved Feb. 20, 1903, authorizes the respective boards of live stock and sheep commissioners to accept the rules and regulations of and to cooperate with the Bureau of Animal Industry. The inspectors of the national government are invested with the same authority as the state veterinarian or state inspectors and may call on peace officers for assistance.

An act approved Feb. 23, 1903, amends R. S. § 157 by raising the salary of the state veterinarian from $1200 to $1800, and by decreasing the veterinarian's contingent fund from $1200 to $600.

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Irrigation R. P. Teele
Land Drainage C. G. Elliott

IRRIGATION[1]

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Public control

The most marked feature of irrigation legislation in 1903 was the extension of public control over streams in arid states. Three states, Idaho, Utah and Nevada, which had before no effective control of their streams passed laws for such control. The other states having such control modified their laws to make their control more complete; new laws for the same purpose were proposed but defeated in California, Montana and Arizona, and one state, Oregon, provided for the appointment of a commission to propose changes in its water laws ['03 p.353]. Assuming and maintaining public control of streams in our arid states require three operations: defining existing rights, establishing rules for acquiring rights, and supervising the division of streams among those having rights to water from them. Laws passed in 1903 will be discussed under these headings.

Defining existing rights. Previous to 1903 outside of Wyoming and Nebraska the universal system of defining rights to water was by suits in the ordinary courts. Any one claiming to be injured by diversion made by others brought suit against them, and the court on testimony submitted by these parties defined their rights with relation to each other. This left the way open for an unending series of suits, and most of the states passed laws providing that when a suit relating to rights to a stream was brought, the court might make all those taking water from

[1] *See also* Governors Messages and Summary of Legislation, 1182.

the same source of supply parties to the suit, and in one judgment define the rights of all. But these decisions were still based on the testimony of those interested and often on stipulations agreed to by them. The systems created under the laws of 1903 in Idaho and Utah are modifications of this practice.

The Idaho law ['03 p.223] leaves the matter with the courts, but provides that, on the streams the rights to which have been in part defined, the water commissioner shall begin action against all those who take water from the stream but whose rights have not been adjudicated, and the court shall define the rights of all.[1] Under this provision it is not necessary to wait till conflict has arisen before rights are defined; the public authorities can initiate the action. When such a suit is brought by a water commissioner the state engineer is required to measure the stream supplying the water, the ditches diverting it and the lands on which it is used, and make maps and statements showing the results. These maps and statements are to be taken in evidence in the hearing before the court. The court still takes testimony as before, but it has also before it the physical data which are indispensable to an intelligent decision, the lack of which has made so many water right decisions worse than useless. It is further required that whenever a suit over rights to water is brought the state engineer shall make surveys and measurements which shall be taken in evidence, but it makes no provision for the initiation of such adjudication by the public authorities on streams where no adjudications have been made. There are probably few such streams but this omission makes the law fall short of its purpose, that is defining all existing rights.

The Utah law ['03 p.88] as regards the defining of rights is in general similar to the Idaho law, except that the state engineer may initiate actions. He is required to measure the streams of the state, the ditches diverting their waters, and the lands irrigated. When he has completed the survey for any stream he is to give notice to the court having jurisdiction over that stream.

[1] This provision has recently been declared unconstitutional, Bear Lake County v. Budge, 75 P. 614.

The court then gives notice to those having claims to the stream, who are required to file statements of their claims. Failure to file such statement debars the party from ever asserting any right to the stream. These statements are tabulated by the state engineer for the use of the court. Testimony is also taken, and on the basis of the surveys, the statements filed and the testimony taken, the court defines the rights of all claimants. It will take many years to cover all streams of the state under this law, but it seems to provide for completely defining existing rights. Another law, not altogether in harmony with this general law, provides for arbitrating questions involving the title to water or water rights ['03 ch.51]. This has been the prevailing system of settling controversies over water in Utah since the settlement of that region. Its weakness lies in the fact that such settlements are not final and bind only the parties to the arbitration. What is needed is a defining of rights which is binding on all. Such a settlement is provided for in the general law.

The provision of the Nevada law ['03 ch.4] for defining rights s entirely new in American irrigation legislation, and its testing n the courts will be of great interest. The law creates the office of state engineer and gives that officer the power of defining ights, but gives claimants the right of appeal to the courts. All ounty recorders and clerks of courts are required to send to the ngineer copies of all claims to water on file and of all decrees ffecting rights to water. From these the engineer is to make or each stream a list of all those claiming rights and is to send o each a blank form on which to make a sworn statement of his laim. Failure to make the statement is a misdemeanor. The ngineer is to measure the streams and the ditches diverting water om them, and make approximate surveys of the lands irrigated r capable of being irrigated from each ditch. From the statements filed and his own observations he is to decide on the existing rights both as to volume and priority, and is to issue certificates to those having rights, setting forth the nature of their ghts. From the decisions of the engineer appeal may be taken the courts. This procedure is somewhat similar to that under

the Wyoming law, except that in that state testimony of those interested is taken, and the rights are decided on by the State Board of Control, composed of five members including the state engineer, rather than by the engineer alone as in Nevada. The omission of the taking of testimony and the decision being made by one man will have a tendency to increase the number of appeals to the courts, and when such appeals are taken the law will amount to the same thing as the Utah law except that the decision of the state engineer will be an added preliminary step to a decision by the courts. The improvement over the old system of hearings before the courts will be that the courts will have before them the measurements and surveys made by engineers. The courts are also given authority to employ hydraulic engineers to make further measurements.

Colorado has a regular procedure by which the courts define rights to water for irrigation. These provisions have been extended to include rights for purposes other than irrigation ['03 ch.130]. This is important in making the system of public control more complete. The Colorado courts have jurisdiction also over changing the point of diversion. The law has heretofore provided only for changes within a district; this has been amended to allow changes from one district to another ['03 ch.124].

Amendments were made perfecting the details of the Wyoming system for defining rights to water ['03 ch.92, 97, 104].

Acquiring rights. Throughout the Western states rights to water have been acquired by taking and using the water under what is known as the right of appropriation. This system was at first universal except for an early law of Utah, which, however, was never strictly enforced. In 1890 Wyoming passed laws under which it was necessary for any one wishing to take water from any streams of the state to secure a permit from the state engineer. A similar system was adopted in Nebraska in 1895. With these two exceptions no limit had been put on the right to take water from any of the streams of the arid states prior to 1903. In that year both Idaho and Utah adopted systems in general similar to that of Wyoming.

The Idaho law ['03 p.223] requires any one wishing to acquire the right to use water from any streams etc. of the state to make application to the state engineer, who shall see that it is in proper form, "and it shall be the duty of the engineer to approve all applications made in proper form which contemplate the application of the water to a beneficial use," and this approval constitutes a permit. The engineer is to inspect the works when notified of their completion and, if he finds that they comply with the permits, issue certificates of completion. When the water has been applied to the use for which it was taken another inspection is made by the engineer, and if "he is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended he shall issue to such holder or user a license confirming such use." The main points in which this differs from the Wyoming system are two: (1) This law requires the state engineer to approve all applications made in proper form, while the Wyoming law provides that "where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interests, it shall be the duty of the state engineer to reject such application and refuse to issue the permit asked for" [R. S. '99 §919]. That is, a permit from the state engineer of Wyoming gives some assurance of a supply of water for the works when built, while the Idaho engineer is by law required to limit his attention to the form of the application and must issue the permit though the stream applied for may be over-appropriated already. This throws the responsibility of finding out whether there is unappropriated water in the stream on the one proposing to build works, but its greatest danger is in the power it gives speculators. They may receive permits from the state engineer and on the strength of these dispose of stock in their companies, or sell lands to be irrigated with the water to be obtained under the permits when the stock is worthless as there is no water for the land. (2) The second difference is unimportant except as showing the tendency of thought regarding water rights. It is in the

use of the word "license" instead of "certificate" used in the Wyoming and other laws. There was for a long time a widespread objection to the exercise of any control by the states over the acquirement of rights or the use of water. The right of appropriation existed independently of any state legislation and the state had no right to interfere. This doctrine still survives in many states. Wyoming broke away from this and adopted what amounts to a system of license, but retained the word "appropriation," and issued "certificates." The Utah law, discussed below, does the same. The Idaho law, while going no further than the Wyoming and Utah laws, disregards this long standing prejudice, and calls its certificates, what they are in fact, licenses. Another provision of the Idaho law which corresponds to early theory but not to existing practice is its provision that "neither such licensee nor any one claiming a right under such decree shall at any time be entitled to the use of more water than can be beneficially applied on the lands for the benefit of which such right may have been confirmed" [§9]. In early adjudications testimony was taken as to the areas irrigated, and the volumes of water considered necessary for these areas were granted, the theory being that the parties had rights to sufficient water for their lands and no more. But in late years the areas on which the decrees were based have been lost sight of and only the volumes considered. Most of these early decrees were very liberal in their grants, yet little harm came from this so long as the original theory was adhered to. But with the rise in the value of water, parties holding these excessive decrees saw a source of profit in the water for which they had no use and have sold large parts of the water granted them, and still retain enough for the lands on which the rights were based. This deprives later users of water which they have been using perhaps for years, and has proved a great evil in many states; the provision of the Idaho law preventing this is a wise one.

The Utah law ['03 ch.100] regarding the acquirement of rights corresponds more nearly to the Wyoming system than does the Idaho law just discussed. The state engineer is required to make

measurements and surveys to "aid in ascertaining the existing rights to the use of water, and in determining the volume of surplus or unappropriated water" [§6], and is required to refuse applications as is the Wyoming engineer [§39]. A provision not contained in either of the other laws is that when application is made notice of its receipt shall be published and opportunity for protests given. Under previous laws water is personal property in Utah and does not attach to any particular area of land, and this is not changed by the new law. The certificates of rights given by the engineer, therefore, do not limit the right to the volume necessary for the land for which it is required, but states the "flow per second of water to be used; . . . the time during which the water is to be used each year." This giving of rights to a definite volume has not proved so harmful in Utah as it has elsewhere, because of the practice in that state of stating the time during which the water is to be used as well as the volume.

Amendments were made in the laws of several other states relating to the acquirement of water rights. The California law requires the posting and filing of notices of intended appropriation of water, the notices to state the places where water is to be diverted, the volumes, the places and purposes of use and the means of diversion. The amendment ['03 ch.262] provides that plans may be changed as to all these features except the volumes after the notices have been posted and filed. The only effect of the California law is to date rights back to dates of posting notices rather than to dates of beginning construction, which must be within 60 days from dates of posting. Recording these notices is supposed to provide a complete record of existing rights to streams of the state, but there is no inspection of the claims filed, nor of the works built to see that the intentions expressed in the notices have been carried out, and no record to show whether anything further is done than recording the notice. If the amendment has any effect, it will be to add to the confusion already existing. It also increases the possibility of fraud and blackmail, since it enables a person to post a notice in an inconspicuous place and to give notice of intention to divert water from a point on a

stream where it will attract no attention, and later to claim a right under this filing at a point where another may have subsequently begun work.

Colorado formerly had a law providing for filing maps and statements regarding proposed diversions of water which on account of a defect in the title was declared void. In 1903 a similar law ['03 ch.126] was passed. These maps and statements must be filed with the state engineer, who must inspect them and approve them "if he shall find the data therein contained to be sufficient and satisfactory for a clear presentation of the facts concerning the claims made" [§5]. The enforcement of this law will insure a filing for every new right acquired, but it will not provide a record of existing rights, since there is no provision for any record as to whether the plans are ever carried out, and therefore there will be a great many plans filed for which no works exist. The law is open to the criticism made on the provision of the Idaho law regarding the issuing of permits. It limits the engineer to seeing that a filing clearly presents the facts regarding the claim made. He must approve it, though the records in his own office show that the stream claimed is overappropriated. This approval, which really means nothing, may carry weight with those unfamiliar with irrigation law and practice and be used to aid in the sale of worthless stocks or water rights.

Wyoming extended the provisions of its water right laws regarding permits to appropriate water to acquiring rights to store water with the added provision that stored water, unlike water used directly from streams, need not be attached to particular tracts of land, but may be sold ['03 ch.69]. Nebraska extended its system in the same way ['03 ch.120].

Administration of streams. The division of the waters of streams by state officials among those having rights to them began in Colorado, was later adopted by Wyoming and Nebraska, and was extended in 1903 to Idaho, Nevada and Utah. The systems in all these states are essentially the same. The states are divided into divisions and these in turn into districts. Each district has

a water commissioner, and each division a superintendent who has general oversight of the commissioners of the districts in his division. The state engineer has general control over the whole.

Colorado ['03 ch.125] substituted division engineers for division superintendents, but the duties were not changed in any important particular except that their subordination to the state engineer is more clearly set forth. The authority of the water commissioners is extended to distributing water for purposes other than irrigation ['03 ch.150]. This is important because it makes the water commissioners' control over streams complete, where before they controlled only diversions for irrigation.

Idaho had no provision for dividing water previous to 1903. In that year the state was divided into three divisions, and provision was made for dividing these into districts. For each division there is to be appointed a water commissioner, and these commissioners have authority to appoint water masters for the districts ['03 p.223]. The water masters have immediate charge of distributing the water in accordance with the decrees of the courts and the licenses granted by the state engineer. All those having rights to water are required to maintain measuring flumes or weirs for the use of the water masters in dividing water.

In Nebraska the official in immediate charge of distributing water is called an "under assistant." The law defining the powers of this officer were amended in 1903 by making the taking or use of water contrary to his orders a misdemeanor ['03 ch.118]. Owners of irrigation ditches are required to put at the head of each lateral a head gate and a measuring box which shall be constructed according to plans approved by the secretary of the State Board of Irrigation ['03 ch.120].

Nevada, like Idaho, had no provision for distributing water previous to 1903. A board of irrigation was created in 1901 [ch.59], and in 1903 the office of state engineer was created and the engineer was made secretary of this board. Under the law of 1903 [ch.3] this board is required to divide the state into water divisions or districts as it deems admissible and is empowered to appoint water commissioners "whose duty it shall be to measure

and divide amongst the appropriators the water of such streams according to the priority of right and the amount to which each is entitled" [§18]. These commissioners are to act under the direction of the state engineer, and interference with the engineer or the commissioners in performing their duties is made a misdemeanor.

Utah at the time of its organization (1852) provided for appointing water masters to distribute the waters of its streams, but this law gradually fell into disuse. Another law passed in 1880 was declared void. In 1901 a law was passed empowering the boards of county commissioners to divide their counties into districts and appoint commissioners to distribute the water from the streams of the districts. This law was unsatisfactory because most of the streams flow through more than one county. The general irrigation law of 1903 [ch.100] provided for the division of the state into divisions and districts by the state engineer, who is to appoint superintendents for the divisions, and these superintendents are to appoint supervisors for the districts. The supervisors have direct charge of distributing the water.

The state of Washington also made a beginning in providing for the orderly distribution of water from its streams. The boards of county commissioners are required to appoint water commissioners on the application of 12 freeholders of irrigated land ['03 p.65]. This law is an improvement on the previous lack of control, but is weak in that streams are not confined within county boundaries, and commissioners whose authority is so bounded can not distribute the water satisfactorily.

Under the laws of 1903 and those previously in force Colorado, Idaho, Nebraska, Nevada, Utah and Wyoming now have comprehensive systems of defining existing rights; all of these except Colorado and Nevada exercise some control over the acquisition of new rights, and all of them have provisions for distributing the water of their streams in accordance with the rights so defined under their laws. The effect of this extension of public control will be good. It will tend to give security to water rights and will in this way encourage investment in irrigation works.

Irrigation districts. The object of forming irrigation districts is the raising of money for constructing irrigation works. This is to be done by the sale of bonds, and in order to give the bonds standing the districts are organized and conducted under public supervision and are given the taxing power for paying interest, providing sinking funds and paying operating expenses. Districts may be organized on favorable votes of fixed proportions of the property owners of proposed districts when all the property within the districts becomes liable for district obligations. This enables those in favor of the organization to force others into it against their will, as they could not into an ordinary company. Most of the arid states have laws providing for organizing such districts, and a number of these were amended in 1903.

California. The California district law was passed in 1887, and soon after its passage a great many districts were organized, very few of which were successful. Large obligations were contracted, but few benefits received. These obligations still bind the lands, however, though in many cases the lands are not worth the amounts due on them. This latter fact has led bondholders to propose compromises, and in 1903 a law [ch.5] was passed providing for dissolving districts when they have made provision for settling all outstanding indebtedness. This law will enable landowners to clear up these old obligations and will put them in position to make improvements on their lands. The law further provides for taking over the affairs of districts by companies formed under the general incorporation laws. The main object of the district organization is to aid in selling bonds. When these bonds have been sold the organization has served its purpose, and the operation of works by a corporation is much less expensive and cumbersome.

Colorado. Many amendments were made to the Colorado district law, but none were of great importance ['03 ch.123]. Districts are empowered to buy works already built, and in such cases may include in the district lands not previously having rights to water from the works bought. The law formerly required that the petition for organizing an irrigation district must be signed by

a majority of the qualified electors who are resident freeholders and own more than half of the acres owned by resident freeholders. An amendment adds that they must have paid property taxes in the district in the preceding year. This is apparently to prevent newcomers from forming a district organization on the older residents. Expenditures from $10,000 to $25,000 formerly required the indorsement of one third of the legal electors. This is made a majority. Districts were formerly authorized to lease or rent water to occupants of state or federal government lands within their boundaries. This power has been made general, so that water may be leased or rented to any one, inside or outside the districts. This change is a departure from the original purpose of the district law, which was to enable landowners to provide themselves with a water supply. Under this amendment districts may be organized primarily for the purpose of supplying water to others than the members of the organizations, and it is very doubtful whether the taxing power or the power to force parties into the districts should be given for such purposes. Districts are authorized to go outside the state for water supplies. When the first issue of bonds does not provide sufficient funds for the purposes of a district, a second issue may be made, but the lien created by the first issue is preferred to that created by the subsequent issue. The first year's interest on bonds is to be paid out of the sale of bonds, not by an assessment as formerly.

Idaho. There were many amendments to the Idaho district law ['03 p.150] only two of which are of any great importance. One provides for borrowing money from the United States under the reclamation law [U. S. '02 ch.1093] instead of issuing bonds, and authorizes the levy of district taxes for the purpose of making payments to the United States. The secretary of the interior has decided that in expending the money of the reclamation fund the United States will deal only with organizations, and this provision of the Idaho law conforms with that decision. The most important change in the law is the provision allowing districts to tax state lands within their boundaries. The district taxes paid by state lands are to be charged against the lands and added to

the selling price of the lands with 6% interest when they are sold. This is an indirect method of granting state aid to irrigation districts and is liable to abuse, since district boundaries can be so located as to include large areas of state lands, or districts may be organized when the larger part of the lands belong to the state, and the taxes levied on these lands would soon raise the price so much that they could not be sold. The state has a check on this, however, since all district plans must be approved by the state engineer.

Nebraska. Persons holding leases which run for five years from the date when the proceedings are had are empowered to take part in organizing districts, and districts are given power to levy taxes on the value of leaseholds on state lands and to sell them for taxes ['03 ch.121]. This amendment affects state lands only, since lands in private ownership could be included in districts without it, and government lands are not leased. One difficulty in the way of organizing irrigation districts in thinly settled regions has been that lands belonging to the organizers were interspersed with large areas of state and public lands which could not be taxed for district purposes, and this law is an attempt to overcome this difficulty. Districts are empowered to buy in their own bonds or to invest in United States or state bonds when surplus funds accumulate ['03 ch.122]. When districts are dissolved their property may be sold to satisfy outstanding obligations or assessments may be continued for this purpose.

A great deal has been expected from the passage of district laws in the various states, but they have resulted in very little development. The amendments to these laws made in 1903 were for the purpose of enlarging the powers of districts in the hope of making them successful. The notable changes in this direction are: Districts in Colorado may rent or lease water; Idaho districts may tax state lands; Nebraska districts may tax leaseholds on state lands.

National construction. The enactment of the reclamation law [U. S. '02 ch.1093] providing for constructing irrigation works by the general government led to the enactment of laws in several

of the Western states in 1903. The preamble of the Nevada law discussed above ['03 ch.4] states that it was passed for securing the construction of such works. The Idaho irrigation district law ['03 p.159] provides that districts may borrow money from the United States under the reclamation law instead of selling bonds. Colorado released canal no. 3, on which the state had expended $25,000, to the general government on condition of its completion by the government ['03 ch.146]. Utah provided for the creation of an arid land reclamation fund commission, to secure construction in the state under the reclamation law ['03 ch.71].

Miscellaneous. *Colorado.* County surveyors are required to survey reservoir sites for owners of tracts of 10 acres or more, to supervise construction of reservoirs and annually inspect them. By far the larger part of the plains area of Colorado is beyond the reach of water from streams and has been considered fit only for grazing, but in the last few years much has been done toward irrigating parts of the plains with water pumped from wells or stored from storms. The purpose of this law is to encourage development along this line. It is doubtful, however, whether it will be of any effect, since the fees allowed the engineer and the other conditions of the law will prevent landowners proceeding under it. It will be cheaper to employ other surveyors and be free from the supervision and inspection of the county surveyors.

Wyoming. One of the fundamental principles of the Wyoming water laws is that no one is entitled to water in excess of his needs, yet an old territorial law requiring ditch owners to sell surplus water has survived till 1903, when it was repealed ['03 ch.73].

The year 1903 marks the greatest advance in effectively controlling streams of any year since the beginning of irrigation in the United States. The necessity for this control has long been recognized by students of irrigation, but water users have objected to such control for fear of the loss of some of the privileges enjoyed by them. The growing demand for water as development proceeds has brought about so much conflict over rights that water users are coming to prefer public control to a continuation

of the old conditions. It is an appreciation of the advantages of control rather than a recognition of any right in the states which has brought about this advance in the laws. The result will be the same however. It will help to relieve agriculture in arid regions of one of its greatest burdens, controversies over water, and in this way add to the prosperity of the farmer now living there and to the inducements to others to locate in the West.

LAND DRAINAGE[1]

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Drainage laws relating to improving and reclaiming wet lands were enacted in 14 states during 1903. Most of these were amendments to existing laws, but in five states, Arkansas, California, Colorado, Idaho and Nebraska, virtually new legislation on the subject was passed. Constant higher development of farm lands demanded in the older as well as in the newer agricultural states, gives rise to unforeseen legal difficulties in drainage which must be met by changes in laws which had previously proved satisfactory. The fact that some of the most productive land in these states has been reclaimed by drainage works, which were made possible by enacting state laws, gives the subject ready consideration at the hands of legislators. All work relating to drainage must usually be prosecuted in accordance with the natural features of the land to be improved. These bear no relation to land lines. They can not be changed to conform to the desires of landowners but must be accepted as a part of nature's endowment, subject to such artificial improvements as can be carried out along natural lines in a comprehensive way. Drainage laws permit landowners to cooperate in improving natural outlets and constructing new ones under provisions in which the rights and privileges of each are prescribed, the cost of improvements equitably apportioned, and subsequent care of the completed work placed under responsible authority. To meet these requirements laws must be so framed as to apply to simple projects in-

[1] *See also* Governors Messages and Summary of Legislation, 1191.

volving small areas and the interests of a few owners only in which the administration of the laws shall be simple and inexpensive, as well as to those in which the outlets for draining thousands of acres have to be provided requiring the cooperation of hundreds of landowners and entailing large expense for construction and competent administrative direction. Hence it is not surprising that the drainage laws as they exist on the statute books of the older states are largely made up of amendments to the original skeletons, necessitated by the growth of agricultural improvements. Those states which took up the subject later, in response to the demand for drainage laws, had the experience of the older states to guide them, and as a result have enactments more comprehensive in their application than the laws of other states bearing earlier dates.

Arkansas. This state passed a general drainage law containing 35 sections ['03 ch.159], in which the County Court is vested with power to construct works for drainage, on the properly signed and presented petition of the landowners. Such petition must be signed by one or more of the owners of the land affected if the improvement is less than 5 miles long, and by five or more if it is of greater length. It must set forth the necessity therefor, contain a description and the names of the owners of the land affected, stating also whether it is desired to issue bonds to defray the expense of the proposed work. The petition shall be filed with the county clerk and be laid before the County Court. If the court finds that the petition complies with the law, it shall appoint three viewers and an engineer who shall make an examination and survey of the land described in the petition, reporting to the court in writing. At the same time that the viewers are appointed, the court shall give notice of the filing of the petition and the time fixed for receiving the report of the viewers by one publication in a local newspaper. If the court finds against the improvement, the petition shall be dismissed at the cost of the petitioners. If in favor, the lands reported on by the viewers shall be declared a drainage district, and complete surveys and estimates of the cost of the work shall be ordered.

The viewers are empowered to secure rights of way for ditches, allow damages and assess benefits, all of which shall be reported to the court. The court shall serve notice to each landowner requiring him to be present at the hearing, at which time the report of the viewers shall be examined by the court, and if just and fair it shall be approved. If the court does not so find, it may change the location of the ditch, the apportionment of the cost and otherwise so amend the report as to make it just and fair to those affected. All lands benefited by the work shall be assessed for the cost of construction, whether the ditches pass through them or not. Any person or corporation may appeal from the decision of the County Court to the Circuit Court. After judgment is rendered by the Circuit Court, it shall be transmitted to the County Court and the latter shall proceed in accordance with the decision. The work shall be let publicly by the engineer, who shall superintend all construction and inspect the completed work. The court is authorized to issue and sell bonds to meet the expenses of the work, if this be requested in the petition, and such bonds shall constitute a paramount lien on the lands assessed. In lieu of bonds the County Court may issue warrants on the ditching districts to draw interest till paid.

If the work lies in two or more counties, petitions shall be presented to the County Court of each county interested, in which case each court shall appoint one viewer. The viewers shall meet and choose an engineer. This board shall proceed at once to examine the land described in the petition and shall submit a report to the court of each county. Thereafter the proceedings in each county shall be similar to those designated for counties which contain the entire area of land affected by the drainage. After ditches have been completed in accordance with this act, the road supervisors are charged with keeping them in proper repair, the expense for such work being assessed against the land of those taxed for the original construction.

California. Two new laws covering different classes of land were enacted: one to promote the drainage of wet, swamp or overflowed land, the other to provide for the drainage of agricultural lands other than swamp and overflowed. The former ['03 ch.258]

directs that the county supervisors shall receive and consider a petition when presented by 10 or more landowners who desire to drain their lands, and shall appoint a day for hearing objections. The supervisors shall order a survey, examination and report on the lands which will be benefited by the work. If the supervisors find against the petition, it shall be dismissed at the cost of the petitioners. If in favor they shall order the improvement constructed. Assessment for the cost shall be levied on the property benefited, and if not paid at the time specified, shall be carried to the tax books and collected as other taxes. No provision is made for raising money by issuing bonds. It is distinctly specified that this act shall not be so construed as to permit waters to be carried out of their natural channels to augment other streams or drains to the damage of residents along the banks of streams or drains so augmented.

The latter law ['03 ch.238] designates 50 or a majority of the landowners as the number which must sign the petition presented to the county supervisors, who on receiving the petition shall appoint a day for a hearing as specified in other laws. When the boundaries of the district have been established, the question of organizing the district shall be decided by vote of the electors, and directors for the district shall be elected. The directors shall have charge of administering all work of the district. They must order an election to determine whether or not bonds shall be issued to provide funds for the work. If so directed by vote, they shall issue and sell bonds, which shall be a lien on the lands included in the district. The tax for defraying the expenses of the work or refunding the bonds shall be levied and collected like other taxes, the sum thus collected being set apart for the use of the district. An amendment to P. C. § 3492 permits a drainage district already organized to be divided and a separate district formed on petition of the holders of half or more of the land already included ['03 ch.13].

Colorado. A new law ['03 ch.103] provides for forming drainage districts on petition of one or more landowners representing the major part of the land to be improved, which petition shall be filed with the county commissioners. This petition shall set forth

the benefits of the proposed work and other matters in the manner specified by drainage laws of other states. The board of commissioners shall appoint three disinterested persons who shall view the line of the proposed drain and the lands affected, cause a survey to be made, and report to the county commissioners. If the improvement shall be found feasible, the cost of the work shall be apportioned by the board of viewers among the several tracts of land affected in proportion to the benefit the improvement will be to each, and an assessment shall be made against the lands affected. A day shall be set on which the report shall be considered together with the assessment recommended, when any interested person may appear and if aggrieved may appeal to the District Court of the county. The assessment shall be reported to the assessor, who shall enter it against the several tracts of land. The county treasurer shall collect the sum and reimburse the county for all moneys expended by the district. Since this law mainly affects irrigated lands, it is specified that all water gathered by such drainage improvements shall be the property of those from whose lands the same is taken by such drainage canal, and shall be prorated among the owners of the land from which such water is taken according to the cost of the improvement assessed against each.

Idaho. A petition for a drainage district must be signed by the owners of a majority of the land to be improved ['03 p.256] and filed with the county commissioners. Notice of the time of filing the petition shall be published for two weeks previous to said date, when any person may appear before the commissioners and object to the establishment of the district. At this and subsequent hearings the boundaries and plans of the district may be amended. If the commissioners find that the organization of the district will be a special benefit and will increase the public revenue as set forth in the petition, they shall give notice of an election for determining whether the territory described in the petition shall be organized as a drainage district, and also to elect three drainage commissioners. The board of commissioners shall have exclusive charge of constructing and maintaining all drainage systems within the boundaries of the district. They must peti-

tion the County Court for authority to construct the work petitioned for by the landowners. Assessments of benefits and damages for this work must be made by a jury of 12 persons appointed by the County Court. Any person or corporation aggrieved by the judgment rendered by the jury may appeal to the Supreme Court of the state. The board of commissioners may issue bonds for the total amount of costs of construction on petition of a majority of all landowners within the district, to be made payable in not less than 5 nor more than 20 years. The commissioners have power to levy assessments for paying the bonds as they fall due.

Indiana. An act concerning cleaning out obstructions and keeping open drainage channels ['03 ch.38] requires every person or corporation owning land in the state through which flows any stream of water not exceeding 75 feet in width, to free the same from all obstructions between Aug. 1 and 15 of each year. In case any owner fails to do this, any person owning land adjoining a stream within a distance of 1 mile up or down stream from the point where any drift or obstruction is found may file a sworn statement of the fact with the county surveyor, who shall give notice in writing to the owners or their agents who are in default. On their failure to remove the obstruction or drift, the county surveyor shall cause the same to be removed at the expense of the owner or owners through whose lands the stream flows and shall certify such expense to the county auditor, who shall enter the amount on the tax list, and it shall be collected as other taxes.

An act providing for building flood gates in ditches ['03 ch.55] requires the township trustee to build flood gates at or near the outlets of ditches through which high water backs up from the outlet stream and overflows lands drained by the ditch before the water in the main stream overflows its banks. He shall do this on the petition of a majority of the persons owning lands benefited by the ditch provided the cost of the improvement shall not exceed 5% of the value of the property benefited. When the petition is filed, the trustee shall give public notice and appoint a time and place for a hearing, when he may hear any remonstrances

and shall determine whether such flood gate should be constructed. Any person aggrieved by the action of the trustee may appeal to the Circuit Court.

An act providing for cleaning out and repairing dredge ditches ['03 ch.226] designates that such improvement may be made on filing a petition with the auditor of the county, signed by one or more of the owners whose lands will be assessed for the expense of the repairs. The board of county commissioners on receiving the petition shall appoint an engineer who shall examine the ditch, estimate the probable cost of the repairs and apportion and assess the same against the lands benefited. The surveyor shall report his finding to the auditor, and if in favor of the improvement, the auditor shall publish notice of the pendency of the petition. At the hearing of the petition before the county commissioners remonstrance may be filed by landowners, and the board may try the case, adjust the assessments and if it finds that the work will be practicable and of public utility shall let the contracts for executing the work as provided for in the case of new ditches. The cost of the work shall be paid by the county, which shall be reimbursed by a tax assessed against the respective owners of the property benefited and collected as other taxes. Any person or corporation may appeal to the Circuit Court from the final order of the board of commissioners on any of the following points: (1) whether the repairs will be of public utility and practicable; (2) whether the assessments made for the repairs of said ditch are in proportion to the benefits to be derived from the proposed work if accomplished; (3) whether the assessments made to lands subdivided since the construction of the original ditch are equitably proportioned.

The act providing for appraising benefits and damages when the work is done by incorporated associations is amended ['03 ch.54] so as to define the basis on which such appraisement shall be made. The appraisers shall examine all lands, and public and corporate roads affected by the proposed improvement, assess to each tract the full and entire amount of such benefit without regard to the cost of the work, determine the injury each owner will sustain by reason of the work and submit a schedule to the

county commissioners for public inspection. At a subsequent meeting of the appraisers they shall equalize the assessment and fix on a final schedule of benefits and damages.

Chapter 40 of 1885 relating to constructing drains through a corporate town or city is amended to require petitioners for such a drain to give a bond with sureties payable to the state, conditioned to pay all expenses in the event the court fails to establish the drain. A further amendment provides that when land lying outside of any incorporated town will be benefited by drainage through the town, the common council may petition the court for such drainage. Minor amendments provide for striking out the clause permitting remonstrance to the Circuit Court of two thirds of the landowners described in the petition for drainage to cause the petition to be dismissed, and also the clause that if the county surveyor is not a competent civil engineer the court may designate an engineer who shall proceed with the work ['03 ch.143, 211, 232].

An amendment ['03 ch.99] to the law providing for constructing a single ditch adds that if the cost of the proposed work shall exceed $3000 the board of county commissioners shall assess the expense of the improvement against each tract in proportion to the benefit it will derive. After giving due notice and opportunity to landowners to pay such assessment the board may issue and sell bonds for the amount remaining unpaid. All assessments shall constitute a lien on the land. Proceeds from the sale of the bonds shall be paid into the office of the county treasurer and disbursed by him on the order of the county auditor only for the construction of the ditch for which the assessment has been made.

Illinois. The changes in the Illinois law are few. The restriction that drainage commissioners may improve ditches outside of their district only on petition of 25% of the persons paying assessments in the district is removed ['03 p.163]. Subdistricts may be formed within the limits of a district whose work is wholly or partially constructed on the application of the owners who desire more complete drainage of their lands than will be effected by the work of the general district ['03 p.162]. A special

report on the matter may be presented to the court and on its confirmation by the court, the subdistrict may be organized.

A new law was passed ['03 p.160] relating to drainage districts which receive benefit from improvements made by other districts. If by reason of the enlargement or extension of the ditches of a lower district a benefit is conferred on the lands of an upper district, said upper district shall pay a just proportion of the expense. The commissioners of the lower district, in case they can not adjust the matter of cost with neighboring commissioners, shall file a petition with the court, sworn to by at least two of said commissioners, setting forth the facts, and the court shall try the case and render judgment as in other matters at law.

Michigan. An act ['03 ch.16] permits the establishment of a drain through any city or village on a resolution adopted by a majority vote of the common council granting leave to construct such drain, which permission shall be sufficient release of right of way, and the council may allow the construction of an open ditch through the town if such consent was expressed in the resolution.

Minnesota. The law relating to issuing and selling bonds to defray the expenses of drainage construction is amended by changing some of the words and adding others to make it more explicit ['03 ch.315]. A state drainage commission is charged with the expenditure of the money appropriated by the state for drainage. The title of the law, passed in 1897, creating this board, is amended by adding the following words: "and to prescribe the duties of boards of county commissioners in connection therewith" ['03 ch.217].

An amendment ['03 ch.178] provides that when a final order of the board of county commissioners establishing any ditch proceedings has been annulled by any court by reason of a failure to give proper notice of the pendency of the petition and the report of the viewers, at any time within one year after the rendering of such judgment a rehearing of such petition and viewers' report may be had on application of any petitioner in the case, for which purpose the county auditor shall call a special meeting of the board of county *commissioners,* who shall proceed to consider

such report and may establish the ditch in the same manner as when legal notice is given.

A law to reimburse owners of land damaged by ditches constructed in accordance with the state law ['03 ch.188] is made to include damages incurred by reason of a part of the soil being carried away by water flowing through the ditch or by reason of the deposit of earth on the land, which damages were not considered in the award of the viewers appointed in the proceedings to construct the ditch. The owners of land so damaged may within six years after the completion of the ditch petition the county commissioners of the county in which the land is situated for the appointment of viewers to ascertain and report the amount of damages. The board shall appoint three viewers. The county auditor shall then give notice by publication to the interested persons whose lands are liable to be assessed for the payment of the damages claimed, stating the date of the first meeting of the viewers. The viewers shall meet to hear evidence on the matter, shall personally examine the injured premises, and if they find damage has been done to the land shall fix the amount and file the award with the county auditor, which amount together with all expenses shall be charged against the land which was assessed for the construction of the ditch. An appeal from the award of the viewers may be taken to the District Court of the county by the board of commissioners, the petitioners or any one whose lands are liable for assessment. Any party may appeal from the decision of the District Court to the Supreme Court of the state.

Wisconsin. The fees of drainage commissioners are increased from $2 to $3.50 a day ['03 ch.116]. The law of 1898 is so amended that when a petition for organizing a drainage district shall be filed with the court of one county and it shall afterward appear by the report of the commissioners that the greater part of the land which should be included lies in another county, the Circuit Court of the county where the petition was filed shall retain jurisdiction till the district is organized ['03 ch.70].

Nebraska. An act of 1901 to provide drainage for agricultural and sanitary purposes is repealed and a new law substituted ['03 ch.115]. The county supervisors in their respective counties are

designated as drainage supervisors. A petition for drainage may be filed with them in the same manner as stipulated in the laws of other states. When such petition is received, the board shall select one of its number who with a person selected by the petitioners and a third party selected by these two jointly shall go on the lands. The board thus constituted shall personally examine the lands for the proposed ditch. If they decide that the petition should be granted, they may cause surveys and estimates of the work to be made. The drainage board shall have power to obtain rights of way for ditches and assess the amount of benefits and damages in a manner similar to that designated in the drainage laws of other states. An appeal from the finding of the drainage board may be made to the board of supervisors by any person owning lands affected by the ditch. The assessment roll shall be placed on the tax list against the lands affected and collected with other taxes, and shall be applied to the construction of the drains for which the assessment was made.

A new drainage law permitting the organization of drainage districts ['03 ch.116] contains some features essentially different from those found in other states. A majority of the resident owners desiring to drain their lands may sign articles of association in which the name of the district desired shall be stated, the number of years it is to continue, a description of the lands and the names of their owners. The signers indicate their willingness to obligate themselves to pay such taxes as may be necessary for the drainage of the lands named. The articles of association shall be filed with the clerk of the Circuit Court, and subsequently a day for hearing objections shall be named. If the objections are overruled the court shall declare the district a corporation of the state and shall transmit to the secretary of state a certified copy of the record relating thereto. A meeting of the landowners in the district shall be subsequently called, at which time five supervisors for the district shall be elected. In such election each and every acre of land shall represent one share, and each owner shall be entitled to vote for each acre of land owned by him in the district. The board of supervisors of the district shall appoint a drain commissioner who shall have general oversight of the work in the

district and be accountable to the board for faithfully discharging his duties. For defraying the preliminary expenses connected with surveys, rights of way, etc. the board may order an assessment tax not to exceed 50 cents an acre, which shall be made with due regard to the proportional benefits expected to accrue to the land by reason of the improvements. This tax shall be extended on the tax books under the head of drainage tax and collected by the county treasurer. The supervisors may issue bonds with the consent of the owners of not less than two thirds of the land in the district given at an election held for that purpose, but they shall not bond the district for more than $6 on each acre included in the district. Details of district administration are similar to those provided for in the laws of other states.

New Jersey. A new law permitting wet lands to be drained when necessary for the public health ['03 ch.93] virtually admits the value of such work to agricultural lands but does not make that a basis for the improvement. Ten or more citizens may petition the Court of Common Pleas of the county in open court, setting forth the facts and the names of the owners of the land to be affected by the proceeding and asking for the appointment of three commissioners. Notice of this application shall be duly published. If the petition is in due form, the court shall appoint three disinterested commissioners, one of whom shall be a civil engineer, to determine if the drainage petitioned for is necessary to the public health. The commissioners shall file with the clerk of the court a copy of their report. Provision is made for appeal to the court from the findings of the commissioners by any person aggrieved. The commissioners are empowered to carry out the plans for drainage and assess the cost of the work against the land affected as in their judgment it may be benefited. In case the cost exceeds the benefit, the balance shall be paid by the municipality in which the drained district lies. Assessments become due in 30 days after the date of publication of notice of such levy. If not paid within six months, the land against which the tax stands may be sold for unpaid taxes.

A law passed in 1890 providing for draining lands is amended by changing the word "municipality" to "township," thereby

making the law apply to draining lands outside corporate limits. An act to permit the further improvement of tidelands ['03 ch.264] permits the owners of land within the boundaries of any meadow company to vote on the matter of improving and repairing the works. If more than one half of the owners vote for the improvement, the managers of the company shall make the improvements and cause the expense to be assessed and collected as provided by law. The owners of more than one half of tideland subject to the management of any meadow company may vote that such lands be banked. The managers of the company may apply to the Court of Common Pleas of the county in which the meadows lie for the appointment of commissioners, whereupon the court shall appoint three commissioners, who shall make surveys and plans for the work and report in full to the managers of the meadow company.

Florida. The law of 1901 relating to establishing and constructing main drains or canals is made applicable to all lateral ditches, drains and land contiguous and tributary to public ditches or canals used as outlets ['03 ch.96].

Washington. The law providing for the payment of expenses incurred in establishing drainage districts ['03 ch.67] gives permission, when proceedings are subsequently stayed, to the holders of any warrants issued in payment for services connected with the preliminary organization to present a written request to the county auditor to have all outstanding warrants issued by the drainage commissioners presented to him for registration. On such request being filed, the auditor by proper publication shall call for all outstanding warrants which on their presentation to him shall be registered. The owner of any registered warrant may petition the Superior Court to fix a time for hearing the matter, which shall be duly published. If the court finds that the claims are just, it shall order the commissioners to make a levy on the lands of the district for them, which shall be extended on the tax rolls and collected as other taxes.

North Dakota. The law of 1899 requiring that the petition for draining agricultural lands presented to the drain commissioners shall be signed by such part of the owners of the lands as will be liable for the major part of the cost of the drain should it be con-

structed, is amended to read "the petition shall be signed by at least six freeholders whose property shall be affected by the proposed drain" ['03 ch.80].

Missouri. The laws cover improvements by both ditches and levees. The drainage law [R.S. '99, ch.122 art.4] is generally amended. The grounds for appeal from the order of the court are changed ['03 p.234]. The questions to be determined as provided for in the previous law were (1) whether the improvement would be conducive to public health, convenience and welfare, and (2) whether the right of way was practicable. As amended the points to be determined are (1) whether compensation has been allowed for the property appropriated, and (2) whether proper damages have been allowed for the property affected by the improvements. The section is further amended by specifying that the action of an appellant can not stay proceedings in the County Court nor prevent constructing the ditch, and that subsequent proceedings shall affect only the rights of property owned by appellant. Article 4 is further amended by adding three new sections. Persons or corporations are prohibited from driving any piling or other obstruction in any drains or ditches for the purpose of erecting bridges, or placing any logs or brush in any ditch constructed under the law. A further amendment provides that all lateral ditches or drains constructed to discharge water into the main ditch shall do so through boxes or tiling at the intersection of the lateral ditches with the main, such tiling or boxes to be as large as the lateral and at least 15 feet long.

The law regarding levees [R.S.'99 ch.124] has 5 amendments: a levee district may take in additional land subject to overflow from the same streams as other lands included in the district ['03 p.237]; the board of directors may contract with railroad corporations for the use of their roadbeds for levee purposes ['03 p.239]; railroad companies are required to construct their embankments as high as the top of the adjoining levee without openings between the points connected ['03 p.238]; and provision is made for the condemnation of land for levee rights of way ['03 p.237]. New legislation ['03 p.239] makes it obligatory on railroads where levees cross their lines to connect them by building levees of an equal level across the railroad right of way.

TRANSPORTATION AND COMMUNICATION[1]

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Steam railways. Steam railways gave rise to 135 separate acts, original and amended, during 1903, distributed among 31 different states. Missouri leads with nine, the Carolinas and Texas record eight each, and the remaining 27 states enacted from one to seven laws each. With reference to subject-matter the rather indefinite topic of the quality of the service embraces 19 acts, 16 can be assigned to location and routes, 14 to safety, 12 to questions of liability and damage, nine relate directly to commissions and six to rates.

Among the more noteworthy characteristics of the year's legislation may be mentioned the laws permitting the use of electricity on steam railways, compelling steam railways to permit electric railways to cross their tracks, authorizing a railway commission to grant railways relief from unreasonable municipal regulations, providing for the appointment of expert accountants to examine the books of railway corporations, compelling railway companies to grant passes to public officials, providing for the "merging" of a number of corporations and permitting shippers to select the route. Taking a general view it may be said that the laws of the year indicate the process of filling in and extending accepted principles into uncovered fields rather than the introduction of new or novel features into railway law. Interurban railways have been made subject to existing railway legislation in some instances and in others special laws relating to the organization, powers and regulation of interurban electric companies have been

[1] *See also* Governors Messages and Summary of Legislation, 1200.

introduced. Oregon appropriated $165,000 for the construction and operation, by the state, of a "portage railway" between specified navigable points on the Columbia river, under the direction of a commission composed of the governor, secretary of state and state treasurer. Technically this will be a state railway though the extremely local character of the enterprise scarcely warrants its inclusion in a discussion of state operation of railways.

Acts providing for bulletins to announce the arrival of passenger trains which are behind time were passed in five states. A train not more than five minutes late is to be deemed on time [Wis. '03 ch. 63]. In Texas ['03 ch. 107, ex. sess. 11] the cause of the delay is to be announced, while in the other states [S. C. '03 ch. 55, Mon. '03 ch. 65, Ind. '03 ch. 22, Wis. '03 ch. 63] only the length of the delay need be stated, 20 or 30 minutes before the schedule time of arrival. If the station in any town or city is connected by telephone with the central exchange, the Montana law requires the station agent to notify such central exchange of the delay. Fines for the violation of these provisions vary from $25 to $100 for each offense, but in Indiana the total amount which can be recovered may not exceed $300. In Wisconsin the fines are paid into the school fund, while in South Carolina one half goes to the aggrieved person and the other half into the general fund. A Florida law ['03 ch. 108] requires railways to provide cars with standards, supports and other appliances for the transportation of wood and lumber, the weight of such appliances to be deducted from the weight of the cargo in calculating freight charges. Shippers can collect $1.50 a car from railways not providing the specified appliances. Wisconsin railways ['03 ch. 368] must provide cars, on five days' notice, for the transportation of firewood in lots of five carloads when "piled at some reasonably convenient point on its line," or for one carload when piled at a station siding, the shippers to do the loading. Rates for such firewood shall not exceed existing rates on railroad ties, rails and fence posts. Live stock shall be carried at an average minimum speed of 20 miles an hour on penalty of $5 a car for each hour of delay [N. D.

'03 ch. 144]. The time allowed for loading farm produce is 36 hours in Minnesota ['03 ch. 320] and 48 hours in North Dakota, the car to be kept in a convenient and proper place for loading, which "can be reached by teams or other suitable means of conveying property" ['03 ch. 145]. Trains carrying passengers on railways under 40 miles in length shall furnish separate apartments for white and colored passengers [S. C. '03 ch. 53]. Engines and cars shall not obstruct public roads for more than 10 minutes at any one time and the opening in the traveled portion of the road or street shall not be less than 30 feet [Kan. '03 ch. 394]. Two North Carolina laws make it obligatory for railway companies to accept freight at any regular station, wharf or landing, also in carload quantities at any side track or warehouse connected with the railway track ['03 ch. 444, 693]. This freight must be forwarded by the route selected by the shipper.

The era of railway construction in the United States has long been passed. Nevertheless great lines must still be constructed, many branches added to existing systems, and many lines and parts of lines relocated. These facts are reflected in the legislation of the year. Utah ['03 ch. 108] and Nebraska ['03 ch. 28] alone legislated on primary matters connected with the expropriation of land. In the former state the right of way may not exceed 9 rods in width and in addition whatever may be absolutely necessary for construction. Branch lines not over 5 miles in length can be constructed without additional legislation. The additions to the Nebraska law relate to arbitration in cases of disputes over expropriated land and to the protection of the award. There is nothing new in the amendment. A great deal of reconstruction and relocation is going on throughout the country and in order to protect vested interests Georgia ['03 p. 36] passed an amendment providing that a railway may not "leave off of the line" any city, town or village without the consent of its authorities. Apparently with the same end in view Tennessee ['03 ch. 216] prohibits relocation at a greater distance than 1200 feet from the original right of way and makes railways liable for damages done to industries or property by such relocations and modifications. In

a separate law ['03 ch. 11], railway companies are authorized to conduct condemnation proceedings to acquire additional land required for relocation. If relocation involves the abandonment of the former route the state [Ind. '03 ch.121] through the board of county commissioners may locate a public highway on the old line or route. The law governing relocations in Wisconsin was amended by adding ['03 ch. 49] the provision that no point of intersection of the state boundary line by a railway shall be regarded as the terminus unless there exists at such point a town with a population of not less than 100 according to the last preceding census. An Indiana law ['03 ch. 119] authorizes specified state officers to contract with railways for the construction of lines through grounds owned by state institutions. County commissioners are to indorse the time of filing a plan for the location of a railway and order the same recorded [Me. '03 ch. 93]. On 30 days' notice Kansas railways may begin proceedings for the condemnation of state lands ['03 ch. 392] for purposes of railway construction, and the Wisconsin commissioners of public lands may sell strips of state lands not exceeding 100 feet in width for railway purposes with the express reservation that these lands shall revert to the state when no longer used for railway purposes ['03 ch. 370]. Maine enacted three unimportant laws and amendments: punishing interference with railway surveys ['03 ch. 201], restricting the right of way to 4 rods for ordinary lands and 7 rods for woodland and forest ['03 ch. 23] and authorizing railways to own lands for coal sheds ['03 ch. 164].

Railways chartered under the laws of Texas may construct and operate additional tracks on their right of way and issue stocks and bonds in an amount equal to the reasonable cost of such improvements on approval of the State Railway Commission ['03 ch. 99]. Railways operating in Tennessee may construct branch roads not exceeding 15 miles in length, extending from the main line, without securing an amendment to their present charter, provided the necessary lands are appropriated according to existing expropriation laws ['03 ch. 210]. Another law ['03 ch. 10] gives similar powers regarding switch yards, workshops, etc., in

counties with a population not over 45,000. The Texas commission may compel railways to construct side tracks and spurs when in their estimation business interests demand it ['03 ch. 68]. Pennsylvania ['03 ch. 208] requires all future railways to "be laid or constructed of the present standard gage of 4 feet, 9 inches, with variations therefrom of not more than ½ inch." This is an abuse of the term "standard gage" which has for more than 50 years been the gage of 4 feet, 8½ inches. This is the standard in all Europe except Russia. Of course, numerous other gages are still in existence. In India alone there are no less than 13.

One half of the new laws relating to safety deal with crossings. All engines and cars must come to a full stop at intersecting tracks of steam railways [Vt. '03 ch. 69, Mon. '03 ch. 8, N. D. '03 ch. 148], except in cases where interlocking or other devices render it safe to cross without stopping, in which case the railway commissioners [N. D.] or county commissioners [Mon.] shall first approve this device. The last two laws prescribe methods of procedure when differences arise between the railways and commissioners. Four statutes [Kan. '03 ch. 488, Ind. '03 ch. 59, Fla. '03 ch. 111, N. H. '03 ch. 88] impose similar restrictions on the movement of engines and cars over crossings between steam railway, electric, interurban, and other railway tracks, at certain distances from the crossings. The Florida law punishes engineers, motormen or other persons in charge of engines and cars who violate this law with a fine of not more than $500 or six months' imprisonment, or both. The New Hampshire law gives the railway commissioners full discretionary powers to administer the law in the interests of the safety of the public traffic. The Indiana law ['03 ch. 59] deals only incidentally with the safety of crossings. It is devoted chiefly to the full regulation of the manner in which street, interurban, suburban and steam railways may cross one another's tracks as a matter of right and privilege. Every electric or other street, suburban or interurban railway whether organized before or after the enactment of this law shall have the right to construct a grade crossing over any steam railway track in the state. In case of objection or disagreement detailed court

procedures are prescribed and a speedy settlement insured. No change of venue for such cases is permissible.

Two laws [Minn. '03 ch. 262, Col. '03 ch. 155] prohibit the use of bicycles, velocipedes and similar vehicles on railway tracks except on the written permission of the railway authorities on penalty of three months' imprisonment and $100 fine, or both, in the former; and six months in prison or $300 fine, or both in the latter. One Colorado law ['03 ch. 154] compels railway companies to provide switches with appropriate lights and another ['03 ch. 98] punishes the criminal opening or turning of switches. A Maine law ['03 ch. 17] punishes interference with signals, lamps, signs and analagous devices. The Corporation Commission of North Carolina ['03 ch. 552] is empowered to grant relief to petitioning railways from unreasonable or oppressive restrictions on the speed of railway trains by municipal ordinances. The only law compelling the use of automatic couplers, automatic brakes, grab irons and hand-holes was enacted in Indiana ['03 ch. 120], and railway companies are authorized to refuse to accept cars from connecting roads inadequately equipped in accordance with the law. Individuals and firms violating the law are subject to a fine of $10 for each and every violation.

Statutes requiring railway companies to fence their rights of way were extremely common 25 and 50 years ago. Today there exists occasion for them only in the less developed areas of the United States. Arizona ['03 ch. 48], Montana ['03 ch. 101], Florida ['03 ch. 109], Oklahoma ['03 ch. 9 art. 3], Utah ['03 ch. 83] and Washington ['03 ch. 158] adopted new or amended acts on this subject, imposing the usual penalties for violations of law. The Oklahoma fence is to "be composed of posts and barb wires, four wires to be firmly fastened to the posts, such posts to be not more than 1 rod apart, the top wire to be not less than 54 nor more than 58 inches from the ground, etc." The Utah fence consists of five "barbed or other fencing wire," while in Washington simply a "substantial fence" is required. In the first three states mentioned above additional provisions regulate the amount of damages to be paid by carriers for killing animals and the manner in which

the amount of the damage shall be determined. All of this is strictly commonplace. Losses caused by fires originating with the railway are actionable within three years [Col. '03 ch. 153], and damages "shall inure solely in favor of the owner or mortgagee" of the property damaged or destroyed by fire and not to an insurance company which has written a policy on the same. South Carolina enacted two laws relating to liability and damages ['03 ch. 1, 50]. The first makes each railway having an interchange of business with other railways a legal agent of the other, and holds both the initial and connecting carriers liable to the full amount of the loss. The second compels railways, in the adjustment of damages, to estimate freight charges in conformity with rates and classifications filed with the Interstate Commerce Commission and with the state commission for inter and intra traffic, respectively. A Virginia law ['03 ch. 258] makes the company which issues the bill of lading liable for damages to property transported whether this damage results from negligence on part of the initial or the connecting carrier. An amendment to a Massachusetts law ['03 ch. 478] provides that in cases where the interested parties can not agree the petition for damages resulting from the abolition of grade crossings shall be filed with the proper authorities within one year after the time the property is entered on and the work actually commenced.

The Kansas **Railroad Commission** law of 1901 which provided for the appointment by the Executive Council of a bipartizan board of three commissioners for three years, has been changed so as to require the biennial election of the three commissioners beginning with the general election of November 1904. This change makes the commission of necessity a political board ['03 ch.391]. An addition to the Vermont law ['03 ch. 68] provides for the appointment by the governor with the consent of the Senate of one railway commissioner at the biennial session of the General Assembly of 1904 and biennially thereafter. The board consists of three commissioners appointed for six years, the original appointments having been made in 1902. Nine states made changes in or additions to the powers of their respective commissions. North

ast stop ... any as four trains ... any seats. The ... pelling railways to ... ad from this provis... Maine ['03 ch. 170, ... by requiring him to ... ments, on the con... ts ['03 ch. 173], ... ties in respect to ... ... or passengers ... common carriers through ... the state which the ... se with respect to ... d by the railways ... and ... or consignee shall be ... ission of Virginia ... erning car service ... determining car ... enumerates the ... the place of destination ... other facts as the ... er and less compre... poration Commission of ... on of the Minnesota ... has no jurisdiction to ... lassifications concerning ... ground that such rates ... can be appealed to ... the carrier does ... to the Supreme Court ... whether or not ... state or state commerce.

Two new sections were added to the Missouri commission law ['03 p. 132]. One empowers and directs the commission to prescribe reasonable rates, investigate complaints of individuals, corporations and political units, and, if necessary, establish rates to be observed by the carriers in the future. The other requires carriers to submit rates and classifications, testify and give information whenever required by the commission. The Wisconsin commission was authorized ['03 ch. 431] to employ expert accountants on the approval of the governor, to take the deposition of witnesses residing outside of the state, to compel the attendance of witnesses and the production of books in order to make a full examination of the business done by the carriers. Violations of the law are subject to severe personal and corporate punishment; the former involves a fine of from $100 to $5000 or imprisonment from one to five years, or both; the latter, forfeiture of a sum of money equal to 10% of the license fee or tax which the corporation was required to pay to the state during the year preceding the time of such forfeiture and also the "forfeiture of all the rights, privileges and franchises" of the railway company. One law of South Carolina ['03 ch. 51] requires companies to publish rates on watermelons and canteloupes during January and February of each year, which rates shall not be increased during the year. Another ['03 ch. 54] prescribes 3 cents a mile as the maximum passenger fare and 5 cents as the lowest which a company may be compelled to accept for the entire distance traveled. North Dakota ['03 ch. 146] revised the maximum rates on carload shipments of coal. The old schedule was in the form of a 10 mile zone system. The present one makes the zones 50 miles wide above 100 miles, and from 5 to 40 miles below 100.

A section was added to the California law defining the powers of railway corporations ['03 ch. 209] prohibiting the purchase of competitive railways by means of the acquisition of stock or otherwise. Another law ['03 ch. 45] authorizes companies to sell their properties when authorized by the board of directors and three fourths of the stockholders, but under the same limitations in regard to competitive lines. None except corporations chartered under the laws of the state shall construct, operate, acquire and

own railways in Texas ['03 ch. 65]. The maximum number of directors was increased from 13 to 20 in Missouri ['03 p.126, 129], railway companies were authorized to construct and operate ferries and union depot companies were empowered to acquire and hold stock of any company providing terminal facilities and guarantee the interest on the same ['03 ch. 130]. The New Jersey act concerning railways ['03 ch. 257] was revised throughout.

Minnesota has long had **anticonsolidation laws** on its statute books, but another was added during 1903. This law ['03 ch. 86] [illegible] and makes unlawful "the consolidation of the capital stock, franchises, property, franchises, control, or the power of control, of two or more parallel and competing lines of railroad in the state, or any interest of any corporation, trustee, agent or representative of any corporation wheresoever situated." This law appears to have been suggested by the Northern Securities case. Another enactment apparently suggested by this case is the amendment to the Pennsylvania law which authorizes railways to guarantee stock of other corporations, to acquire and dispose of the same, etc. The [illegible] ['03 ch. 209] authorizes railway companies to own [illegible] majority of the stock entitled to vote of any corporation [illegible] engaged" in the transportation business. Missouri [illegible] empowered railway companies to own and operate [illegible] ferries for the purpose of unifying lines of railroad [illegible] navigable waters.

[illegible] added an unimportant phrase to her absolute [illegible] law [illegible] ['03 ch. 143]. **Through rates** for freight [illegible] only provided for in a law of Arkansas ['03 [illegible] required to accept traffic from each other [illegible] commission and in case of a disagree[illegible] the rate the commission shall prorate [illegible] commission is required to investigate [illegible] through rates and, if neces[illegible] Commerce Commission ['03 ch. [illegible] Missouri ['03 p. 126] limit the [illegible] 50 pounds to 12¢ and 12½¢ [illegible] between the points traveled in

the state, with a minimum excess charge of 25 cents. Judges of the Circuit Court and of the Supreme Court of Appeals of West Virginia are prohibited from receiving and using passes ['03 ch. 23]. Missouri has a similar prohibition of passes in her Constitution, but a joint resolution of the Legislature, which is to be submitted to the people at the general election in November 1904, reverses existing regulations and makes it obligatory for railways to grant passes or transportation to a long list of state officers, judges, members of the Legislature, heads of public institutions etc. ['03 p.283]. Incidentally this proposed article of the Constitution authorizes railways in turn to receive benefits in the form of public aid, franchises and legislation. Another law ['03 p.128] requires railways to issue free transportation to shippers of live stock, in both directions, and to provide cabooses or cars used for this purpose with toilet rooms. North Carolina enacted the only law prohibiting extortionate charges on the part of railway, steamship, express and telegraph companies ['03 ch.590]. Refunds of overcharges are provided for, excessive delays are fined, and railways are privileged to appropriate wood, coal or other fuel without agreement with the owner if such action is necessary in order to prevent delays in the transportation of passengers and goods. Forging or counterfeiting tickets or having in possession or making the appliances for these things is punishable by 10 years in the penitentiary [Neb. '03 ch.135, 136]. To attempt to ride in a higher class than that to which the ticket entitles the passenger and then to refuse of pay the difference is fined and punished by a North Carolina law ['03 ch. 795].

A considerable number of miscellaneous statutes were enacted during the year, in addition to those already described. All persons or corporations owning a majority of the stock or otherwise controlling railways shall report to the Railway Commission, and the authority of the commission regarding the increase or issue of stock of holding companies shall be the same as in case of railway companies [N. H. '03 ch. 55]. South Carolina dropped the provision that no person cast more than 100 votes unless all the

shares are owned by that person, leaving the clause that no proxy shall be valid unless executed within six months of the meeting ['03 ch.47]. Unless directed otherwise by the court the giving of a bond must precede the appointment of the receiver in Illinois ['03 ch.290]. An Arkansas law ['03 ch.157] relating to coal and another ['03 ch.24] relating to carloads of all kinds compels railway companies to maintain suitable tracks for weighing freight and to furnish the shipper a certificate of weight, contents, date of delivery and number of the car, certified by sworn weighers. The governor of Arizona may appoint railway police officers on the application of the company and at their expense ['03 ch.76]. Conductors, brakemen, firemen and engineers may arrest persons, other than employees, who attempt to steal rides in any manner on the railways of Oregon, and the conductors and other officers mentioned may call on any bystanders or other persons for assistance in making arrests ['03 p.138]. Conviction is followed by fine and imprisonment or both. An Oklahoma law ['03 ch.12 art.5] makes it a misdemeanor to steal rides or to interfere with employees in the discharge of their duties. Persons charged with a violation of this law "may be tried in any court," but no punishment is specified. In Arizona no employee who has been on duty for 16 consecutive hours shall be required to resume work till after at least nine hours' rest. On mountain roads with a grade of over 95 feet to the mile there shall be at least one brakeman for "every 600 tons in such train" [Ari. '03 ch.34]. Cities and villages in Minnesota, "with a population of less than 2000, and situated on a railroad line parallel with and not exceeding 5 miles from any other line of railway" in the state may extend aid for the construction of switches and branches, the total indebtedness for such purposes not exceeding 5% of the value of the taxable property of such towns ['03 ch.79]. All property used in the construction and operation of railways hereafter built in Arizona shall be exempt from taxation for "the full period of 10 years" ['03 ch.35]. The fee of $20 accompanying the annual reports of railways in Massachusetts has been abolished ['03 ch.

126]. In New York county authorities are authorized to pay over to town authorities moneys received from aided railways for the payment of the interest and principal of outstanding railway aid bonds given by such town ['03 ch.515]. Another New York law requires steamship companies to carry bicycles as baggage in the same manner that railways are required to do this ['03 ch. 121]. Freight conveyed on vessels in Florida must be protected against damage on landings ['03 ch.88]. Pennsylvania enacted two laws relating to abandonment, one an original act ['03 ch.14] and the other an amendment ['03 ch.55]. The first forfeits such parts of railways, other than passenger, which have not been operated for six consecutive months; the second, makes it permissible for passenger railways to abandon any part of their lines with the consent of the local authorities, board of directors and stockholders. A certified copy of the resolution authorizing abandonment is to be filed with the secretary of the commonwealth. The same amendment includes a provision authorizing a number of railways incorporated under the act to merge on the approval of a majority of the stockholders in value. No station shall be abandoned or removed in Minnesota ['03 ch.319] without the consent of the commission; and North Dakota ['03 ch.147] compels the maintenance of stations where the outgoing freight amounts to $15,000 and the incoming freight to $4000 or more in one year. Union depots may be required by the Corporation Commission of North Carolina ['03 ch.126] when the necessities of the case require it. Railway companies may appeal from such orders of the commission as in case of orders relating to rates and classifications. No bonds, coupon notes or other evidence of indebtedness payable more than one year in the future shall be sold below par, nor shall any of the proceeds of such sales be used for the original construction or equipment except as authorized by the Railway Commission [N. H. '03 ch.22]. Wisconsin ['03 ch.391] and California ['03 ch.79] provided for the sale of unclaimed, perishable and other property; Texas ['03 ch. 97] for the sale of lands belonging to public institutions for railway purposes; and Tennessee ['03 ch.199] extended the term of

credit on contracts for the sale of railway supplies from 6 to 15 years. Indicative of the tendencies of the times is a Tennessee law ['03 ch.115] which empowers steam railways to adopt electricity as a motive power; and a similar law of New Hampshire ['03 ch.102] grants this power with the consent of the Railway Commission.

Electric railways. Analogous to the Tennessee law just referred to is an Indiana law ['03 ch.150] which authorizes railway companies organized under the general railway laws of the state with the unanimous consent of the stockholders and by a vote of the directors to avail themselves of the powers, privileges and obligations of street or interurban electric railway companies according to the general law governing this class of railways, though no company shall be permitted to operate as both an electric and steam railway. Another Indiana law ['03 ch.134] amends a long list of acts dating back to 1869 relating to public aid to railways by construing the word "railroad" in these laws to include "every kind of street railroad, suburban street railroad, or interurban street railroad, whether its lines are to be maintained either at the surface, or above or below the surface of the earth, and by whatever power its vehicles are to be and are transported." In 1898 Vermont made the general street railway law of that state a part of every special act of incorporation of street railways before that date, and during 1903 another law ['03 ch.71] added all the amendments to the general law as conditions of the special act. In North Carolina the term street railway company is applied to all railways irrespective of the motive power, connecting parts of the same city, different cities, or territory contiguous to cities, provided that such railways do not extend more than 50 miles in any direction from the municipality in which the home office is located ['03 ch.350]. These railways are also empowered to carry freight. A South Carolina law relating to certain classes of charters was amended by striking out the word "tramway" wherever it occurs ['03 ch.41], thus ridding the statute of an archaic feature occasionally met with in the railway laws of all the states. The general street railway law of Missouri was

amended by requiring the recording of the original articles of association with the recorder of deeds of the county or city in which the corporation is to be located and the subsequent filing of the articles in the office of the secretary of state ['03 ch.135]. An addition to the general law of Texas authorizing the formation of interurban railway corporations extends their power to the transportation of passengers and freight, the ownership of union depots, and, with respect to eminent domain, it gives them all the powers and privileges enjoyed by steam railways. But all electric railways engaging in freight traffic are to be subject to the control of the Railroad Commission ['03 ch.129]. Another act ['03 ch.44] empowers all these companies to sell electric light and power to the public and to municipalities. Oklahoma ['03 ch.9 art.4] authorizes the organization of electric railway companies under the general railway laws of the territory with additional power to construct and operate street railways, enter into lighting contracts, and acquire by purchase or consolidation all the property of existing street railway or lighting companies. Maine extended a number of existing statutes to street railways ['03 ch.19]. Electric light and power companies of Missouri may extend their business to include the purchase, construction and operation of street railways ['03 p.102].

The same class of corporations in Nebraska may secure the right of way along and across public highways, telegraph and railway lines by complying with the condemnation proceedings prescribed by law ['03 ch.117]. Street railway companies of Massachusetts may apply to the city council or town board for an adjudication that public necessity and convenience require the condemnation of specified parcels of land or location of the railway on public ways. If the application is acted on favorably, the company may apply to the State Railway Commission before which a public hearing shall be granted, giving all parties an opportunity of being heard, and which must render an affirmative decision before the plans of the petitioners can be executed. In proceedings which may hereafter be begun against such street railway company for the abolition of grade crossings the same

shall be regarded as a "railroad corporation" under the revised statutes ['03 ch.476]. Another Massachusetts law ['03 ch.202] authorizes street railway companies to act as common carriers of baggage and freight with the consent of the local boards and city councils concerned, and the approval of the State Railway Commission. Such electric railways shall be subject to town and city regulations approved by the state commission and all laws relating to common carriers. South Dakota street and electric railway charters are limited to 20 years so far as their use of "streets, alleys or public places" is concerned ['03 ch.221]. Minnesota villages of less than 3000 inhabitants may grant street railway franchises for not to exceed 25 years, such franchises not to be exclusive ['03 ch.139]. New Jersey street railway companies may reincorporate under a recent law, and [illegible] exemption from the provisions of earlier acts under which they were originally incorporated ['03 ch.263]. Electric railway companies of Tennessee may own and control public and private parks and extend their lines in accordance with law ['03 ch.321]. Georgia lines may build into adjacent states ['03 ch.69]. Washington enacted a comprehensive expropriation law for electric railways, providing for full public hearings, and authorizing electric railway companies to purchase other companies with the consent of two thirds, in amount, of the stockholders ['03 ch.175]. Indiana amended her street railway law by authorizing these companies to construct or acquire interurban and suburban lines, secure the necessary land, cross streams, erect the necessary buildings, change grades and curves on the approval of the county commissioners. One of the most important of the numerous amendments to this law is that which reserves to cities and towns the right to regulate tolls "as a condition to the grant of the right to operate therein." Street railway companies of Maine may bring proceedings before the State Railway Commission for the condemnation of lands, but no meeting house, dwelling house, public or private burial grounds shall be taken without the consent of the owners ['03 ch.25]. By another law ['03 ch.86] street railway companies are authorized to change the location of tracks

under the direction of the Railway Commission and to give up rights of way on which no tracks have been laid on petition of the board of directors to the proper municipal authorities. Still another Maine law ['03 ch.28] inserts the words "street railroad" with the word railroad wherever it occurs in the law relating to expropriations.

In Massachusetts municipal regulations of the speed of street railways are subject to the approval, revision or alteration of the Board of Railway Commissioners ['03 ch.143]. In Maine, street railways may appeal to the State Railway Commission from the regulations of municipalities respecting construction, maintenance and operation ['03 ch.15]. A New Hampshire amendment ['03 ch.94] holds street railways responsible for the care of highways used by them on penalty of $50 for each day of neg' ject to appeal to the state commission. Two previously me. oned Texas laws ['03 ch.44, 129] subject electric railways to the State Railway Commission. California ['03 ch.156] dropped the speed limit of 8 miles an hour and introduced a maximum fare of "5 cents for each passenger per trip of any distance in one direction either going or coming, along any part of the whole length of the road or its connections." Texas limits the fares of children below 12, when residing within 1 mile of the limits of cities of 40,000 or over, and of pupils not over 17 years of age in public and private institutions not above the grade of public high schools to one half of the fares charged for adults ['03 ch.116], these tickets to be issued only during the months when these institutions are in session.

The consolidation law of Indiana was amended ['03 ch.94] to give electric railways the right, not power, as the former law had it, to intersect with other street, suburban and interurban lines. Electric lines are also authorized to "merge and consolidate" the stock of the contracting companies on such terms as may be by them mutually agreed on. Where constituent companies have issued separate securities for extensions and improvements special contracts may be entered into to cover such contingencies. A related Indiana law ['03 ch.186] governs the manner of making sales. A majority in value of all the shares

must favor the sale, when the board of directors may execute the contract. Dissatisfied shareholders may appeal to the Circuit Court, and in case shares are not surrendered the purchasing company may pay the proper amount to the court. Electric power, light and transportation companies located in border counties of the state of Wisconsin may consolidate with other companies of their kind similarly situated in border counties of adjacent states, "provided that no such consolidation shall be made or effected between corporations owning, maintaining or operating competing roads, lines, works, plants or business" ['03 ch.347]. A three fourths vote of the stockholders of the constituent companies is required to ratify the consolidation.

Street or interurban railways organized under the laws of Indiana ['03 ch.109] may issue stock which shall be preferred in the division of assets over the common stock, in addition to being preferred in dividends, not exceeding in amount one half of the company's total stock. Electric railways of Georgia may increase their capital stock by a two thirds vote and issue preferred stock for the retirement of bonds not to exceed the par value of the bonds thus retired ['03 ch.68].

Several states enacted laws relating to the safety, comfort and convenience of passengers on electric cars and trains. Indiana ['03 ch.141] requires tanks containing drinking water, and toilet rooms in motor passenger cars making continuous runs of over 18 miles, subject to such rules and regulations as the Board of Health or other authorities may prescribe. Wisconsin ['03 ch.74] requires similar conveniences on interurban lines, 15 or more miles in length, whether operated by steam, cable, electricity or horse power. Massachusetts requires cars to be equipped with fenders, wheel guards, brakes and emergency tools as prescribed by the commission ['03 ch.134]. New York ['03 ch.273] passed an amendment governing the construction and operation of vestibule doors. Street railways of Oregon must equip cars with suitable fenders and guards as prescribed by law unless municipal ordinances permit the use of other approved designs in which case the reasons for making the change shall appear on the municipal records ['03 ch.94].

Acts requiring interurban and suburban lines to be fenced were passed in Indiana ['03 ch.227] and Connecticut ['03 ch.79]. The former is a comprehensive law providing also for farm crossings and gates and the manner of settling disputes which may arise over these matters. Separate accommodations for, and equality of treatment of the white and colored races is provided for in Arkansas ['03 ch.104], and passengers are required to accept seats assigned to them. An amendment to the Georgia suburban and interurban railway law provides that the provision of the general railway law which prohibits the construction of a railway within 10 miles of an existing or projected line shall not be applicable to electric street, suburban and interurban lines ['03 ch.38]. Massachusetts amended the law relating to accidents on railways by inserting the words " street railway " and thus compelling reports of accidents from these companies as in case of steam railways ['03 ch.297]. The same state repealed the act requiring the payment of a fee of $20 for filing annual reports ['03 ch.328]. The Michigan Railway Commission is given full powers to exercise the police power of the state over the affairs and business of urban, suburban and interurban railway companies ['03 ch.189], though nothing in " the act shall take away from municipal authorities whatever powers are exercised by them at present." The Railway Commission shall examine the physical property of electric railways, may regulate the speed of trains or stop their running altogether, order flagmen at crossings, prescribe switches and signals, and whatever else may be necessary to insure safety and regularity of the service. In addition, it may subpoena witnesses and institute prosecutions.

Illinois ['03 p.285] adopted a law providing for municipal ownership. Every city in the state is empowered to own, construct, acquire, maintain and operate street railways within its corporate limits, and to lease such lines for any period not exceeding 20 years. No such project can be undertaken except on the approval of three fifths of the total number of votes cast at the election, and an ordinance leasing a municipal line for more than five years must be approved by a majority vote if a special election is called for within 60 days by 10% of the voters. The rates on municipal lines shall be adequate to cover the cost

of maintenance, operation and fixed charges, also to permit the accumulation of a surplus or sinking fund. The "street railway certificates," issued for the purpose of construction and operation, shall never become a liability on the city, but shall be payable solely out of revenues of the street railway undertaking. In case of the foreclosure of a municipal plant, the municipality shall always reserve the power of regulation.

Telegraph and telephone. The most noticeable feature in the year's legislation relating to telephones and telegraphs is the relatively large number of acts relating to location and expropriation. In two acts ['03 ch.106, 157] Florida grants telephone and telegraph companies the right to erect poles on the right of way of railways, on roads and highways, without interfering with traffic. The first act grants telephone and telegraph companies full powers of eminent domain and outlines the manner of proceeding against railway companies and property owners in securing these privileges. Political units of North Dakota ['03 ch.196] may grant telephone companies organized under the laws of the state the use of streets and highways. An unimportant change was made in the Missouri expropriation law relating to telephone and telegraph corporations ['03 ch.137]. An Indiana law ['03 ch. 107] authorizes the location of poles and other arrangements on and along the "public roads, highways and waters of this state" subject to the control of the county commissioners. With the consent of the person, firm, telephone or telegraph company using a certain route, others may be admitted to such use; if objection is made, a special act of the Legislature is necessary [Maine '03 ch.141]. The Missouri law governing the incorporation of telephone and telegraph companies was amended similarly to the railway law, above referred to, by requiring the recording of the original articles of association with the recorder of deeds of the county in which the corporation is to be located ['03 p.137]. A supplement to the telegraph incorporation law of New Jersey authorizes such companies to borrow money and issue bonds secured by their property ['03 ch.86]. Another law ['03 ch.184] authorizes telegraph companies to dissolve in the manner prescribed by law for other corporations. An Illinois law ['03 ch.

350] grants to telephone companies, generally speaking, the same powers which have been granted to telegraph companies. A Missouri amendment ['03 p.78] authorizes councils of third class cities to fix telephone rates of person or corporation operating under franchise granted by the city. The laws of Florida ['03 ch.105] and North Carolina ['03 ch.599] make it a misdemeanor to obtain wrongfully a knowledge of telephone messages or divulge the contents of the same. Similar provisions are embodied in a law of South Dakota, relating to both telephone and telegraph messages ['03 ch.222]. An Arkansas law ['03 ch.68] makes telegraph companies liable in damages for mental anguish or suffering, even in the absence of bodily injury or pecuniary loss, for negligence in receiving, transmitting or delivering messages.

Canals. The only canal legislation of the year is the well known New York law appropriating not to exceed $101,000,000 for the improvement of the Erie canal, the Oswego and Champlain canals. Bonds to this amount may be issued by the comptroller for a term of not more than 18 years from their respective dates of issue, and shall not be sold for less than par. Not more than $10,000,000 of bonds shall be sold during the first two years, and sales in lots of $10,000,000 shall be conducted in accordance with law as needed thereafter. The payment of this canal indebtedness is insured by a special annual tax on all the assessed property of the state equal to $\frac{1}{1000}$ mill on each dollar of valuation for every $1,000,000 or parts thereof, of bonds outstanding. Such parts of the proceeds of this tax as are not needed for the payment of interest on the bonds, at not exceeding 3%, shall be paid into a sinking fund, the management of which is prescribed in the law. Other parts of the law are devoted to a description of the rates on the canals, the manner of letting contracts and allied matters. The act was approved by vote of the people in November 1903.

Bridges and ferries. Legislation relating to bridges and ferries represents relatively few important public aspects as compared with the various kinds of railways. The state of Pennsylvania enacted nearly one half as many laws on bridges and ferries as all the other states combined. One of these ['03 ch.123] author-

izes county authorities to construct bridges over railways where the same cross roads or highways which may hereafter be opened, at the joint expense of the railway and county, if the town or towns concerned are unable to construct such bridge. Another ['03 ch.72] amends an existing law by extending county aid to cities of the third class in the construction of bridges requiring too heavy an expense for this class of cities to bear alone. A third ['03 ch.253]permits counties to accept bridges from boroughs and townships and maintain them as county bridges if the proper authorities tender such bridge to the county authorities free of charge. A fourth ['03 ch.219], an amendment, provides for bridges located within ¼ mile from the county line and necessary for the accommodation of the inhabitants of both counties in the same manner that other county bridges are provided for. A fifth ['03 ch.15] empowers the proper county officers, in the case of the destruction or impairment of county or joint county bridges, to operate ferries or other temporary ways at the expense of the county or counties, and proceed to reconstruct the destroyed or impaired bridges. A sixth ['03 ch.167] provides for painting and repairing county bridges and the manner in which bids for this work shall be advertised and let. A seventh ['03 ch.169], which originally authorized the state to reconstruct county bridges which may be carried away by flood, fire or other casualty, is amended so as to include destruction by wind storm; a further amendment provides for the appointment of a superintendent of construction whose compensation shall not exceed 5% of the amount of the contract. Still other amendments relate to the letting of the contract. The eighth and last act ['03 ch.71] empowers cities, either alone or jointly with counties, on the approval of the proper authorities to construct and maintain viaducts and bridges within their respective municipal limits or between cities and adjacent territory. Florida ['03 ch. 80] enacted quite an elaborate statute on the establishment and maintenance of ferries across rivers where the operation of ferries on regular schedules and at frequent intervals appears to be necessary. By resolution, county commissioners may grant licenses and franchises for this purpose, prescribe the character and capacity of the boats, fix time tables and rates, and make other necessary regulations. Fran-

chises shall be granted for a period of 15 years and no other ferry shall be operated on the same stream, under another franchise, within 1 mile. Before the expiration of the franchise a vote may be taken on the proposition whether or not the county commissioners shall acquire and operate the ferry for the county. If the vote is favorable, arbitrators shall be appointed to establish the price. Arbitration is also provided for in case of disagreement between the county authorities and ferry companies in regard to service and rates. Connecticut ['03 ch.38] fixes the rates of toll and ferriage for automobiles at 50% more than for a one horse, four wheeled carriage, if the power vehicle has only one seat; if it has more than one seat, 50% more than for a double horse carriage; and for each additional person on the power vehicle the same toll is to be charged as for additional passengers in carriages. A South Dakota law ['03 ch.143] makes it unlawful to operate a ferry without a lease, which may be granted for a period not exceeding 15 years. The law also contains an elaborate schedule of maximum rates. A Wisconsin law ['03 ch.94] authorizes the supervisors of a county bordering on any navigable stream on the state boundary line to cooperate with a county on the opposite bank of the stream in an adjacent state, and levy a special tax on the property of the county exclusive of the taxable property of cities which maintain their own bridges. Vermont ['03 ch.159] created a bridge commission of three persons to act in conjunction with a similar commission of New Hampshire for the purpose of freeing their interstate bridges of tolls, erecting new bridges, and determining an equitable manner of dividing the cost of construction and maintenance between the two states. The commission is appointed for two years, receives $3 a day and expenses, and is required to report to the Legislature of 1904. An amendment to a Kansas law authorizes the letting of contracts for bridges for any sum lower than the lowest bid within from 10 to 40 days after all previous bids have been rejected on the ground of being too high. If this can not be done within the specified period of time, the contract is to be readvertised ['03 ch.96]. County boards may take immediate action in repairing bridges by buying *materials and hiring* labor if the public good

requires it [Neb. '03 ch.83]. California ['03 ch.15] adds tunnels connecting or forming a part of a road to the burdens which may be taken from a road district and assumed by a county. On petition of the town authorities any Wisconsin county ['03 ch.225] may pay one half the cost of a bridge if the total cost exceeds ⅛% of the taxable property in the town, the total appropriations for this purpose not exceeding 2 mills on the dollar of the equalized valuation of the property in the county; formerly the town limit was ¼% and that for the county 1 mill on the dollar. County courts of Tennessee ['03 ch.586] are limited to 1% of the taxable values of the county for bridge expenditures unless a greater expenditure is authorized by a popular vote. New Jersey law ['03 ch.6] provides for the joint construction and maintenance of bridges by counties. Indiana ['03 ch.11] enacted a similar law, and in case of the refusal of one of the counties to pay its proper share the other may complete the work and recover from the first the amount advanced for it, not to exceed $3500. California counties ['03 ch.141] situated on opposite banks of a navigable river may jointly maintain ferries in accordance with agreements entered into on the part of their boards of supervisors. Refusal of one of them to enter into an agreement gives the other the right to establish a landing without the consent of the opposing one. Georgia ['03 p.28] has provided for arbitrators to provide for an equitable distribution of the expenses involved in constructing, maintaining and operating bridges and ferries on county lines. Townships on opposite banks of a stream forming the boundary between counties shall jointly defray two thirds of the cost of a bridge over 200 feet in length, and the respective counties shall pay the remaining third [Okl. '03 ch.29 art.2]; furthermore any person or corporation may construct a bridge across a stream, on the boundary line of the territory, 10 miles distant from any other bridge and charge toll as approved by the commissioners of the county wherein part of the bridge lies. Minnesota ['03 ch.160] legislated in regard to bridges across the Minnesota river, and Connecticut ['03 ch.32] passed a law that no railway company be required to open a drawbridge on its line except for boats and vessels.

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REVIEW OF LEGISLATION 1903 LEGISLATION BULLETIN 22n

Commerce and Industry George Mygatt Fisk
Banking William A. Scott
Insurance Francis Hendricks

COMMERCE AND INDUSTRY[1]

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Weights and measures. The general trend in legislation on this subject is toward greater uniformity and increasing effectiveness in protecting all classes of the public—producers, consumers and merchants—against the unscrupulous. Laws relating to weights and measures have been enacted in 15 states as widely scattered as Maine, California, Texas and Idaho. Some of these states, as for instance Idaho ['03 p.87] and South Dakota ['03 ch.210], have passed general laws on the subject. The tendency toward uniformity is shown in the former wherein it is stated that the purpose is "to establish a uniform standard of weights and measures" which "shall agree exactly with the standard as recognized and furnished by the United States." Most of the laws enacted have been in the form of amendments to existing statutes, their main purpose being as indicated above. A marked characteristic is the attempt toward more definite and effective administration, special officers in many cases being provided for and penalties attached for their negligence as well as for negligence or fraud on the part of users of weights or measures. Of special interest as indicating the trend is the Wisconsin law ['03 ch.274] which empowers the governor "to employ through the chief of the United States Bureau of Standards, a competent person to repair, restandardize and properly mount in the new building of the College of Engineering, the state standards of weights and measures."

[1] *See also* Governors Messages and Summary of Legislation, 1422.

Adulterations and imitations. Laws in this category are similar in purport to those regarding the subject of weights and measures. Thirty-one states have legislated concerning adulterations during 1903, 16 of the laws being new, 5 repeals of and 10 amendments to existing laws. Eighteen of these laws dealt with petroleum, the remainder with a variety of subjects such as false representation of gold and silver ware, the adulteration of naval stores, linseed and flaxseed oil, seeds, etc.

Some of the laws regarding petroleum prescribed new tests or raised existing tests [Ark. '03 ch.152; Neb. '03 ch.112; Id. '03 p.95]; some increased the number of inspectors and made inspection in general more effective [N. D. '03 ch.129; Okl. '03 ch.17; S. D. '03 ch.189]; some prohibited the importation or sale of adulterated oil [Or. '03 p.103; U. '03 ch.118]; while others required the labeling of benzin, gasolene and kerosene cans [Wash. '03 ch.187; Minn. '03 ch.42; N. D. '03 ch.104].

Nine governors in their messages in 1903 referred to some phase of the petroleum question, emphasizing for the most part the necessity for better inspection. Governor Davis of Arkansas said that inspection in his state was a farce because every inspector is "either or immediately becomes the employee of the Waters-Pierce Oil Company" the result being that "a poor cheap grade of oil is sold to our people" ['03 p.33]. Governor Herreid of South Dakota ['03 p.26] referred to efforts regularly made "to enact some law that would protect the state from being the dumping ground for inferior oil that can not be disposed of in other states." Similar complaints come from other governors regarding trade-marks, labels etc. Fifteen states enacted laws, nine of them being amendments. Most of these laws made more exacting requirements for registration and 10 states define trade-marks as including labels or marks on bottles, boxes and casks.

Warehouses and markets. Thirteen laws relating to warehouses were passed during 1903, five being amendments to existing laws. Some were general in character, some related to warehouse receipts while some dealt more specifically with grain warehouses and receipts, and one [Kan. '03 ch.487] with stock yards.

everal of these laws permission was granted warehousemen
:her bailees to issue receipts under certain regulations, the
ı Florida ['03 ch.139] stipulating that "such receipts be
able by endorsement." The laws in some states notably
:th Dakota ['03 ch.142] and Nebraska ['03 ch.68] permitted
ne under certain conditions to obtain elevator facilities
sonable rates contiguous to railway lines—the purpose being
away with favoritism by the railroads. Other laws [N. Y.
366] aimed to protect the public against excessive fees of
ousemen. A law was passed in Kansas in 1897 [ch.240]
ıg public stock yards, regulating their charges and requir-
ports. This law being declared unconstitutional [183 U. S.
ı the ground that it applied to one company only and denied
protection of the laws, a new statute was passed in 1903
7] to remedy the unconstitutional feature, the act defining
stock yards as "any stock yards within this state into
live stock is received for the purpose of exposing or having
me exposed for sale or feeding, and doing business for com-
tion."

ulating and licensing trades and occupations.[1] In this cate-
4 laws are enumerated, 29 being new statutes. They refer
variety of subjects, the most important being those of
ıtants, barbers, hawkers and peddlers, junk and second-hand
s, plumbers and transient merchants.

o very interesting laws relating to accountancy in Wash-
ı ['03 ch.72] and Illinois ['03 p.281] were passed. Both are
ır in scope. In the former a state board of accountancy,
ting of five members, is appointed by the governor from a
15 appointed by the Washington Association of Public Ac-
ants. The duty of this board is to provide examinations
ssue certificates to qualifying applicants. The Illinois law
re thorough since it not only makes the necessary regula-
but makes efficiency more likely. It prescribes certain defi-
ducational requirements, equivalent at least to a high school

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[1] legislation relating to practice of law, medicine, pharmacy etc. *see* on School Legislation t7.

education, and states that "the University of Illinois shall dete
mine the qualifications of persons applying for certificates unde
this act and shall make rules for examining them, and for this
purpose shall appoint three examiners, at least two of whom shall
be skilled in the practice of accounting and actively engaged
therein in the state of Illinois, and the third shall be either an ac-
countant as above [illegible] or an attorney skilled in
commercial law [illegible]."

Nineteen states passed laws during 1903 regarding barbers,
most of them providing at more direct state financial or sanitary
control by the [illegible] of inspection, registration, license, etc.

The laws concerning hawkers and peddlers during the same
period numbered 17. There is a general tendency toward restric-
tion of this class of merchants, based partly on sanitary grounds
and partly on the opposition of resident merchants. This restric-
tion is sometimes accomplished by direct prohibition or by
[illegible] ons to prohibitory rates and increasing the penalties
[illegible]ations [Ark. '03 ch.87; Or. '03 p.77] or by enlarging the
[illegible] of the meaning of "peddler" [Vt. '03 ch.119]. There is
[illegible]arked tendency in the legislation of recent years to ex-
[illegible] classes of persons from paying peddler's licenses,
[illegible]diers and sailors [Mass. '03 ch.432; Minn. '03 ch.330;
[illegible]060; Wash. '03 ch.69], those dealing in farm pro-
[illegible]4.313; Wash. '03 ch.34] and nonresidents.

[illegible] discriminating laws have been declared uncon-
[illegible]he Kansas law imposing a tax on nonresidents
[illegible]s on the ground that citizens of each state are
[illegible]es of citizens of the several states [In re Jarvis
[illegible]s Maine exempting those paying $25 on stock
[illegible]l protection of the law [State v. Mitchell
[illegible]e same reason the Vermont law exempting
[illegible]'s from paying peddler's licenses [State
[illegible].

[illegible]ed regarding junk and second-hand
[illegible] their provisions were certain restric-
[illegible] from minors, registering the description
[illegible] licenses.

Miscellaneous trade regulations[1]. Under this heading may be mentioned a law in Pennsylvania ['03 ch.24] prohibiting the affixing of posters on public buildings; a law in Arkansas ['03 ch.183] prohibiting discriminations in the price of manufactured products, coal, etc., and various laws relating to checks, coupons and trading stamps. Two states [Mass. '03 ch.386; Minn. '03 ch. 389] curtailed the use of trading stamps. Virginia in 1898 [ch. 406] had prohibited their use but this was declared unconstitutional in 1903 on the ground of its being a deprivation of personal liberty [Young *v.* Commonwealth 45 S. E. 327].

The laws of 1903 showed a tendency toward an increase in the number of holidays—Arbor day [Ind. '03 ch. 116], Election day [Del. '03 ch.391; Mich. '03 ch.254], Labor day [Ark. '03 ch.4], Lincoln's birthday [Col. '03 ch.113], Shrove Tuesday in all towns and cities having carnival associations in Florida ['03 ch.170], Saturday, as regards the maturity of commercial paper [Va. '03 ch.19, 20] and Saturday afternoon [Va. '03 ch.28, 29].

Encouraging industries. Arizona ['03 ch.27] exempted from taxation for nine years water storage plants used for general electric power. Two states [Fla. '03 p.638; Tenn. '03 ch.532] proposed amendments to their Constitutions to allow municipalities to exempt from taxation manufacturing enterprises for a period of years. Idaho ['03 p.186] enacted a law paying a bounty on beet sugar for two years, while Maine ['03 ch.50] abolished the bounty on this commodity as well as on cocoons and silk.

Laws relating to expositions number 39, most of them referring to appropriations for exhibits and commissions at the Louisiana Purchase Centennial. Laws were also passed by some of the Western states, notably Oregon, Washington and California, giving support to the Lewis and Clark Exposition to be held at Portland in 1905.

An interesting law was passed in Delaware ['03 ch.333] creating a "board of emigration commissioners" whose purpose is to encourage American and European immigration into the state.

[1] For regulation of commercial fertilizers and feeding stuffs *see* article on Agriculture.

A similar law was passed in Virginia ['03 ch.295], while for the purpose of encouraging home industry a law in Oregon ['03 p.78] permitted county courts to appropriate the sum of $1000 annually. The governor of Alabama in commenting in his annual message on similar efforts in his own state said that "the state as such has met with little success in its advertising scheme to attract settlers to its farm lands." Governor Bachelder of New Hampshire advocated an exhibit at the Louisiana Purchase Exposition for the purpose of calling the attention of the public to "the advantages of New Hampshire as a health and pleasure resort"; while Governor Odell of New York suggested "that it might be well to empower the Forestry Commission to work along similar lines and to issue such publications as are necessary to properly and adequately perform this work."

Navigation and waterways. Seventeen laws were passed during 1903 on these subjects. Most of them were local in character and have but little general interest. Pennsylvania ['03 ch.147] passed a general law regulating navigation on her inland lakes and Rhode Isand ['03 r.9] appointed a commission and appropriated $5000 for the purpose of investigating her shipping interests. Other laws under this heading related to harbors, wharves, docks, lights, pilotage, towage etc.

BANKING

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The legislation of our states regarding banking and allied institutions in 1903 presents no marked peculiarities. Progress along old lines, however, is noteworthy, as is also the tendency toward uniformity. Judging from the trend of legislative activity during the last few years, it seems reasonable to hope that the time is not far distant when in every one of our states, commercial banks, savings banks, trust companies, building and loan associations, other investment companies and pawnbrokerage establishments will be clearly differentiated, and suitable laws pertaining to each class of institutions placed on our statute books. For some time past every year has marked progress in this direction. During 1903, Wisconsin, South Dakota and North Carolina passed general laws regarding commercial banks; Wisconsin regarding savings banks; Arkansas, New Mexico and Washington regarding trust companies; Michigan and Missouri regarding investment companies other than building and loan associations, insurance companies, etc.; New Jersey regarding building and loan associations; and Illinois regarding pawnbrokerage establishments. The numerous amendments to previously existing laws passed during the last year indicate a marked tendency toward uniformity in methods of regulating these classes of institutions, a fact which is due probably not to conscious imitation of one state by another, but to experience which ultimately reveals the same difficulties everywhere and points to the same remedies.

Commercial banks. Of the three general laws pertaining to commercial banks passed during the year, that of Wisconsin is the most comprehensive and the most carefully drawn. This fact is perhaps explained by the long time devoted to the preparation of this act. Several years ago a carefully drawn bill was submitted to the people (in accordance with a constitutional provision at that time in force) and voted down. The people of the state interested in this sort of legislation then proceeded to secure the adoption of an *amendment to* the Constitution authorizing the

Legislature to pass a general act, and succeeded in accomplishing their end at the election in November 1902. The bill which was presented for passage in the session of last year was a modification of the one previously submitted to popular vote and represented a great deal of careful thought by leading bankers and others. It covers state banks, private banks and savings banks, a special chapter being devoted to the latter class of institutions.

A comparison of the leading provisions of these three general acts (Wisconsin, South Dakota and North Carolina) will reveal their uniformity in essentials and their peculiar characteristics. In all three states the minimum capital prescribed for banking institutions is $5000. In Wisconsin and North Carolina this applies to towns with a population below 1500 inhabitants, while in South Dakota it is the minimum for banks in towns of 500 inhabitants or less. On the basis of the amount of capital required, the Wisconsin statute recognizes five classes of institutions, $10,000 being required of banks in towns having between 1500 and 3500 inhabitants, $20,000 in towns having between 3500 and 5000, $30,000 in towns having between 5000 and 10,000, and $50,000 in all towns over 10,000. The other two states recognize three classes only, the requirement in South Dakota being $10,000 for banks in towns of between 500 and 2000 inhabitants, and $25,000 in towns with over 2000 inhabitants. The North Carolina act requires a minimum of $10,000 capital for banks located in towns with a population between 1500 and 5000, and $25,000 in towns of over 5000. In the Wisconsin and South Dakota laws provision is made for accumulating a surplus equal to 20% of the capital stock, the requirement being that one tenth of the net proceeds must be set aside annually or semiannually, or whenever a dividend is declared, till this total is reached. The North Carolina statute makes no provision for a surplus.

The enumeration of powers is almost identical in all three cases. In the Wisconsin statute, which may be taken as typical, the words describing the peculiar functions of banking institutions are as follows: A bank shall have power "to exercise, by its directors, duly authorized officers, or agents, all such powers as shall be usual in carrying on the business of banking; by buying,

discounting and negotiating promissory notes, bonds, drafts, bills of exchange, foreign and domestic and other evidences of debt; by receiving commercial and saving deposits under such regulations as it may establish; by buying and selling coin and bullion, and by buying and selling exchange, foreign and domestic; issuing letters of credit, and by loaning money on personal or real security, as provided hereinafter." The statements in the other two statutes omit the mention of savings deposits and of the issue of letters of credit.

The reserve requirements of the three states vary somewhat. In Wisconsin the provisions of the national banking act were copied, a reserve of 25% of deposits being required for banks designated as reserve banks, and 15% for all others. In North Carolina a 20% reserve is required in towns of 25,000 inhabitants or over, and 15% in others, while in South Dakota a 20% reserve is required of all banks irrespective of the size of the town or of the capacity of the bank to receive reserves on deposit. Whenever the reserve falls below the legal limit, the Wisconsin and North Carolina statutes provide that loans and discounts shall cease till it is restored. In the South Dakota law there is no provision whatever regarding the method of procedure in such a case. In all three states banks are permitted to keep a part of their reserve on deposit in approved banks. No limit in regard to the amount thus deposited is prescribed in the South Dakota and Wisconsin statutes. The Wisconsin law provides that the directors shall determine how large this portion shall be, and the North Carolina law fixes the amount at 60%.

Regarding investments the three acts have many provisions in common. All prohibit the holding of real estate except to the extent that is necessary for transacting business, or when it has been conveyed to the institution in satisfaction of debts previously contracted, or when it shall become the property of the bank by judgments, decrees or mortgage foreclosure proceedings, or when its purchase shall be necessary to secure the debts due to the bank. Wisconsin and North Carolina limit the amount that can be held for business purposes to 25% of the paid-up capital and surplus. All three states require the sale of real estate acquired in the

satisfaction of debts and in the other ways above mentioned, except the first, within five years of the time of its acquisition. The Wisconsin statute also requires that no bank shall bid on real estate a larger sum than is necessary to satisfy its debts and the cost of their collection. Wisconsin and South Dakota restrict the amount of money that can be loaned to any one person, copartnership or corporation, the former state to 30% of the capital and surplus, and the latter to 25% of the capital. The Wisconsin statute, however, permits the directors by a two thirds vote to increase such loans to the total amount of the capital and surplus. The North Carolina statute is silent on this subject, as it is also on that of the amount of loans to be permitted on real estate security and to officials. Wisconsin limits loans on real estate securities to 50% of the capital, surplus and deposits, except when authorized by a vote of two thirds of the directors, and South Dakota to 25% of the bills receivable. In the case of loans to officials, the Wisconsin law requires a responsible indorser or the deposit of a sufficient amount of collateral security, or a resolution of the board of directors; that of South Dakota requires the consent and approval of the board of directors.

All three states place these institutions in charge of a state department, the chief officer of which is called in Wisconsin the commissioner of banking, in South Dakota the public examiner, and in North Carolina the corporation commissioner. At least five reports a year are required by the Wisconsin statute, and at least four a year in both of the others. Special reports may be called for in all three cases. Inspection at least once a year is required in Wisconsin and North Carolina, and at least twice a year in South Dakota. The Wisconsin statute contains a clause making it a penal offense for the inspector to disclose any of the information obtained from the examination of banks, except in cases in which he is specifically required so to do by courts or by statute. The liability of stockholders in Wisconsin and North Carolina is limited to the amount of the par value of their stock, and in South Dakota to twice that amount. The North Carolina statute makes no provision for restoring the capital of a bank in case it becomes impaired, while the other two states provide that

h impairment shall be made good by a pro rata assessment on stockholders or otherwise, in Wisconsin within 60 days after order is given by the commissioner of banking, and in South kota within 90 days. In all three states the appropriate state cer is permitted to take immediate possession of a bank which elieved to be insolvent, pending the adjudication of the case by courts or the appointment of a receiver.

The supervision and regulation of private banks by state thority has come to be a matter of considerable importance, and is interesting to note that the Wisconsin law practically pro-its the existence of such institutions. Section 44 states that he provisions of this act shall apply to, and govern, all banks ganized and now existing within this state, and the powers, vileges, duties, and restrictions conferred and imposed upon y bank existing and doing business under the laws of this state hereby abridged, enlarged, or modified as each particular case y require, to conform to the provisions of this act." Section prohibits the use of the word bank by any "person, copartner-p, or corporation engaged in the banking business in this state, t subject to supervision and examination by the commissioner banking and not required to make reports to him by the provi-ns of this act." Inasmuch as compliance with the provisions the act involves incorporation in the legal sense, private banks a no longer exist in this state. The provisions of the South kota statute regarding this matter of private banking are less cific. In the first section a bank is defined in terms which cer-nly include private institutions. The words are as follows: For the purposes of this act every corporation, association, firm individual whose business, in whole or in part, in South kota, consists of the taking of deposits or buying and selling change shall be held to be, and is hereby declared to be a bank banker, and the business of such corporation, association, firm individual that of banking, and as thus defined such indi-lual member of such corporation, association or firm (except to national banks) shall be subject to all the provisions this act." Section 18 of the North Carolina statute specially ovides that private *bankers* shall not be subject to the

terms of the act. Missouri ['03 p.117], California ['03 ch.266] and Delaware ['03 ch.467] passed amendments to their banking laws which apply to private institutions. The Missouri amendment provides that they must have a capital of not less than $5000, and that they must accumulate a surplus equal to 20% of their capital. The California law provides that such bankers must make at least three reports a year to the commissioner of banking, and Delaware makes it a misdemeanor for any person or institution to solicit deposits unless authorized so to do by the state.

The amendments passed by the Legislatures of other states apply to a variety of subjects. They supplement previously existing legislation in important particulars, but a bare enumeration will suffice for the purposes of this review. Utah ['03 ch.77], Oklahoma ['03 ch.4] and Kansas ['03 ch.68] change slightly the capital requirements previously imposed by their laws. The first state reduced its minimum requirement from $25,000 to $10,000 in towns below 3500 inhabitants, and now requires a minimum capital of $25,000 in towns between 3500 and 10,000, $50,000 in towns between 10,000 and 20,000, and $100,000 in towns of over 50,000 inhabitants. The maximum capital permitted to any bank is fixed at $1,000,000. Oklahoma and Kansas raised their minimum requrements from $5000 to $10,000. New Mexico ['03 ch.109] authorized mercantile companies in towns of less than 1500 population and with a capital of not less than $30,000, of which $20,000 is paid in, to carry on a banking business. The law provides that such companies must keep the accounts of the banking portion of their business separate from all other portions, and must keep a minimum reserve of 25% of their deposits, whenever such deposits together with the other indebtedness of the firm exceeds its capital stock. An amendment was passed to the general banking act of Montana ['03 ch.107], which makes mandatory instead of permissive the provision requiring that one half of the legal reserve consist of balances due from solvent banks. Delaware ['03 ch.330] provided for the supervision of all banks, trust companies, building and loan associations, and investment companies by the insurance commissioner of the state. Texas ['03 p.249] proposed an amendment to her Constitution authorizing the Legislature to pass a general banking act.

Savings banks. In his message to the Legislature, Governor La Follette of Wisconsin called attention to a complaint that had been made to the effect that the laws of the state discouraged the establishment of savings banks, and as an indication of the justice of such complaint referred to the fact that only one such institution existed in the state. In order to remedy this condition of things the Legislature incorporated in the general banking act a chapter on mutual savings banks. It provides in the usual manner for organizing such institutions; forbids any compensation to be paid to officers except the president and treasurer, of whom the former is to receive not more than $500 when the deposits exceed $500,000; limits the amount of money which can be deposited in any one year in the name of one person to $1000; prescribes that the funds of these banks are to be invested, not exceeding one half, in bonds of the United States, Ohio, Indiana, Michigan, Illinois, Iowa, Wisconsin, Minnesota, or in the authorized bonds of any incorporated city, village, town, county or school district in these states, or in first mortgage bonds of any railroad company which has paid annual dividends of not less than 4% regularly on its entire capital stock for a period of at least five years next preceding the investment. All the other loans must be secured by mortgages on unencumbered real estate located in the above mentioned states, such loans not in any case to exceed 60% of the value of the property as determined by a majority of the members of the finance committee. Section 20 requires that a reserve of at least 5% of the total deposits shall be kept on hand or on deposit in approved reserve banks.

Minnesota ['03 ch.328] and Wyoming ['03 ch.50] amended those sections of their banking acts which pertain to the form in which savings banks may invest their funds. The details of these provisions are not of sufficient importance to call for description here. Maine ['03 ch.106] raised the reserve requirement for her savings banks from 5% to 10% of the deposits.

Loan and trust companies. The business of loan and trust companies branches out in so many directions, and is so comprehensive and miscellaneous, that it is extremely difficult to describe it in short space or to prescribe uniform regulations for it. The

statutes pertaining to these institutions devote a great deal of space to the enumeration of their powers and privileges. The tendency at the present time seems to be toward making that enumeration as complete and comprehensive as possible, the states which legislated earliest on this subject having found it necessary to amend their statutes, usually in the direction of enlarging or adding to the powers already granted. The three general acts passed in 1903, Arkansas [ch.135], New Mexico [ch.52] and Washington [ch.176], indicate that these institutions are everywhere developing along about the same lines and that a considerable degree of legislative uniformity has already been attained.

The powers enumerated in these three statutes are in the main the same, that of Washington, however, being the most detailed and comprehensive. In all three these companies are permitted to receive moneys in trust to be accumulated at interest; to accept and execute trusts, and to perform other duties committed to them by courts; to hold real or personal estate in trust; to act as agents for investing money, and for issuing, registering, transferring or countersigning stock and bonds for public and private corporations; to execute trusts and act as agents for married women; to act as administrators, guardians and curators; to lend money on real estate or collateral security; and to buy and sell all kinds of securities. In addition, Arkansas and New Mexico permit such companies to act as guarantors on bonds and to conduct a fidelity and title insurance business. New Mexico and Washington specially confer the right to own and control safety vaults and to rent boxes therein, and Washington adds to the other powers enumerated that of acting as fiscal or transfer agent of any state, municipality, body politic or corporation, to act as assignee, trustee or receiver in any assignment for the benefit of creditors, to discount and negotiate promissory notes, drafts, bills of exchange, and other evidences of debt, to buy and sell exchange, coin and bullion, and to receive money on deposit subject to check.

In view of recent developments in New York city, perhaps the most significant fact in enumerating the powers of trust com-

anies is the permission, often granted specifically and more equently by implication, to do a commercial banking business. n such cases these institutions become competitors of other bank- ng institutions, and the question of the safeguards thrown about is branch of their business becomes important. The Arkansas tatute accomplishes this end by providing that trust companies all be subject to the general banking laws of the state in all spects except where special exceptions are made in the trust ompany act. The provisions in the New Mexico statute which afeguard the banking business are: the requirement that a sur- lus of 20% of its capital stock shall be accumulated; that not ore than 20% of the capital of the institution shall be loaned to ny one person, corporation or firm, and not more than 10% to ny officer, director or employee; that a reserve of 15% of all abilities, not covered by securities on deposit with the auditor, hall be kept, 40% in cash on hand and 60% in balances due from ther banks; and that reports must be made to the auditor, who lso has the right to make examinations. The Washington stat- te makes stockholders liable for the debts of the institution to he amount of the par value of their stock, subjects these institu- ions to inspection by the secretary of state, and requires them o make to him not less than two reports a year.

The capital requirements imposed by these three statutes are ery different. The smallest capital permitted in Arkansas is 50,000. In counties with a population between 40,000 and 50,000 he minimum is $75,000, and in counties whose population ex- eeds 50,000, $100,000. In New Mexico the minimum capital is xed at $250,000, of which $100,000 must be paid in in cash. In Vashington the minimum capital is fixed at $25,000 for institu- ions located in cities of less than 10,000 inhabitants, at $50,000 or those in cities with a population between 10,000 and 25,000, nd at $100,000 in all other towns.

Various amendments to previously existing laws were passed n many states during 1903. These are of a miscellaneous char- cter and require brief description only. Those of Vermont '02 ch.72] and Arizona ['03 ch.31] extend the power of com- anies in their respective states by permitting them to act in a

fiduciary capacity as executors, guardians, trustees etc. Tennessee ['03 ch.77] gives this power not only to trust companies, but also to savings banks and safe deposit companies in counties having not less than 60,000 nor more than 90,000 inhabitants and having a paid up capital of at least $100,000. Wyoming ['03 ch.70] has modified her statute so as to permit trust companies to engage in a more general banking business. The amendment provides that such companies shall keep 25% of their deposits on hand in cash reserves, which, however, may be deposited in state and national banks. Wyoming, in the amendment just mentioned, Massachusetts [ch.273] and New York ['03 ch.160] modify slightly various sections of their laws relative to the investments of these companies.

Building and loan associations. The volume of legislation regarding building and loan associations in 1903 was not large. New York passed a general law ['03 ch.218] which in most particulars supersedes laws on the same subject found in the statute books of previous years. It includes provisions for regulating both domestic and foreign companies, and subjects both to the supervision of a superintendent of banking and insurance. Annual reports to this official are also required of both, and their inspection at least once in two years is made obligatory. Careful provisions are made regarding the form in which the funds of these associations may be invested, and they are prohibited from borrowing in excess of 30% of their paid in subscriptions, and then only for the purpose of paying a loan already made to a member on shares of stock. In no case are such loans permitted for more than one year. The act further requires that associations shall deposit at least $30,000 worth of securities with the commissioner of banking and insurance, such securities in case he so demands. These associations are subject to the same provisions regarding examination as other companies.

Amendments of various character were passed in several states. Illinois [ch.86] increased the length of the loans that may be made by such associations from five to ten years. Pennsylvania passed a law ['03 ch.330] which

places these associations under the control and inspection of the insurance commissioner and requires reports to him and authorization from him before business can be legitimately transacted. Maine ['03 ch.79] raised the amount of net profits to be set aside as a guaranty fund "from a sum not less than 1% nor more than 5%" to "a sum not less than 3% nor more than 10%," and lowers the rate per cent to be paid on matured shares from 6% to 5%. Other amendments were made in Connecticut ['03 ch.70], Florida ['03 ch.63], Illinois ['03 p.124], Massachusetts ['03 ch.95, 147, 203], Minnesota ['03 ch.93], New Mexico ['03 ch.52], New York ['03 ch.84], North Carolina ['03 ch.728] and Washington ['03 ch.116] which are of too trivial a character to call for mention here.

Other investment associations and pawnbrokers. The need of some sort of regulation of investment companies not reached by the laws pertaining to banks, trust companies, building and loan associations and insurance companies has been felt in various states, and a considerable volume of law in the aggregate has been placed on our statute books in response to this need. In 1903 the Legislatures of six states gave some attention to this class of institutions. On account of the great variety of forms which they assume and the inventive genius of the American people, which seems capable of inventing new schemes of this sort ad infinitum, the most that has been attained by legislation so far is the requirement that such associations must receive authority to do business from some state official, must subject their business to his inspection and supervision and must make some deposit with him for the security of customers. During the past year Connecticut ['03 ch.69] passed a law transferring the supervision of such companies from the bank commissioner to the commissioner of building and loan associations. Michigan ['03 ch.166] places such associations under the supervision of the secretary of state. Missouri ['03 p.110] requires that such associations, before doing business in the state, shall receive authority from the supervisor of building and loan associations, who shall have the same power to make examinations as is conferred by the act pertaining to building and loan associations, and may require the keeping of such books and records as will reveal the nature and condition of

the business. It further requires that such associations shall make with the state treasurer a deposit of $25,000, either in the form of cash or approved bonds, and an additional deposit whenever its liabilities shall exceed that amount. The law passed in Nebraska ['03 ch.29] gives to the State Banking Board authority to examine into the affairs of such companies and to give or refuse authority for their operation. It requires that an annual report must be made to the board and proper accounts kept. It further requires that certificates of authorization must be renewed each year. Before permission to do business in the state is granted, foreign companies are obliged to appoint an attorney in each county in which it proposes to transact business, through whom legal processes can be served. The act confers on the board the power to revoke the certificate of authority of any association whenever its assets are found to be less than its liabilities, or whenever in the opinion of the board the business is being conducted in an unsafe manner.

The only important legislation regarding pawnbrokers during 1903 was an amendment [p.270] passed by the Illinois Legislature to an act of 1879 adding four new sections. The first section requires that every pawnbroker shall keep a book containing an accurate description in the English language of everything pawned and all the details regarding the transaction; the second, that said book as well as the articles pawned shall at all times be open to inspection by the sheriff of the county and his deputies or by any member of the police force of any city in the county in which the pawnbroker does business; the third makes it the duty of every pawnbroker " to make out and deliver to the sheriff of the county . . . on each day before 10 o'clock a. m. a legible and correct copy from such book " of all transactions made during the preceding day. The fourth new section prohibits the sale of any property received on deposit for the space of 24 hours after the copy and statement required above is delivered to the sheriff. Maine passed an act ['03 ch.24] authorizing cities to regulate the pawnbroking business, and Montana ['03 ch.54] amended her laws so as to make it a misdemeanor for any pawnbroker to receive articles from persons under 21 years of age.

INSURANCE[1]

FRANCIS HENDRICKS, NEW YORK STATE SUPERINTENDENT OF INSURANCE

General. The tendency of the 1903 legislation has been to require larger capital, more adequate reserve funds and greater supervision over insurance companies in the interests of the insuring public.

In Tennessee ['03 ch.574] the requisite amount of applications in assessment, life and casualty companies was increased from $400,000 to $1,000,000. In Wisconsin ['03 ch.217] the incorporators of a mutual fire insurance company must own insurable property worth $100,000 instead of $25,000 as formerly. In Arkansas ['03 ch.187] surety and guaranty companies must be possessed of $250,000 capital fully paid in cash. An exception to the requirement of sufficient capital is to be found, however, in the Wisconsin enactment ['03 ch.104] where a life insurance company with a capital stock of $100,000 fully paid in is authorized to engage in the business of personal, accident and health insurance. This is not sufficient protection to the different classes of policy holders of these corporations. In New York such corporations must have a capital stock of $100,000 fully paid in in cash with an additional $50,000 for every kind of insurance more than one, and is also required to deposit $100,000 in securities with the department and a like amount for each additional kind of insurance not to exceed $250,000 in aggregate.

In New York ['03 ch.566] and in Connecticut ['03 ch.168] like amendments were made to the law relative to a proper reserve liability for employers liability companies, which required every company doing such business to state in writing its experience in detail, in New York for a period of five years commencing eight years previous to the year in which the statement was made, and in Connecticut during the three years commencing five years previous, and requiring every such company to reserve on all such policies the average cost as shown by such experience for each suit pending and which is being defended, and for each injury reported.

[1] *See also* Governors Messages and Summary of Legislation, 1730.

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existing contract without consent in writing of the insured, and ['03 ch.245] coinsurance is prohibited except where consideration therefor is a reduction in the rate of insurance. New York ['03 ch.450] has taken away from fraternal beneficiary societies the power to contract for payment of money on the expiration of a fixed period, it having been proved to be unsound in principle and in operation.

In Colorado ['03 ch.119] suicide is declared not to be a defense against payment of life insurance, and the same is enacted in North Dakota ['03 ch.111] in case the policy has been in force for one year. In Kansas ['03 ch.333] recovery is permitted if premises were occupied at the time of loss even if they had been previously vacant, and ['03 ch.489] it is provided that it shall be no defense for a surety company executing bond for fiduciary to show in suit that misrepresentations were made in the application. Texas ['03 ch.69] has declared that misrepresentations in application or proof of loss or death are immaterial to liability of company and this is equally true of material misrepresentations if company fails to notify the insured within 90 days after discovery. It may be doubted if most of the above are wise enactments as they would seem to open the door for fraud and unjust liability.

Agents. There has been considerable legislation in the Western and Southern states limiting the agency of insurance companies to residents of the state. In New York and most of the Eastern states a more liberal policy has been adopted, with no limitations of this character.

In North Carolina ['03 ch.488], Wyoming ['03 ch.39] and Florida ['03 ch.61] fire insurance companies are permitted to employ only resident agents, and in Montana ['03 ch.97], Texas ['03 ch.143] and Colorado ['03 ch.121] insurance companies generally are prohibited from employing other than licensed resident agents.

Lloyd's. As the law concerning these associations does not require them to maintain any fund whatever and their reliability depends almost entirely on the financial responsibility of the individual underwriters who compose them, the New York Legis-

lature ['03 ch.471] amended section 57 of the insurance law exempting these associations from the jurisdiction of the Insurance Department, to require all of the associations claiming to be entitled to transact business within the state to file with the department annual statements of their affairs. These reports show the names and residences of the underwriters, the assets, liabilities, income and disbursements of the associations so that the insuring public may now learn to a greater extent than previously with whom they are dealing.

In New York ['03 ch.106] section 121 of the insurance law also was amended to prevent these associations from using any policy with words stamped, printed or written thereon to in any way convey the impression that such policy is in form or substance the standard form of policy prescribed by the New York law. This was done as many of these associations advertised the standard form but used policies containing conditions decidedly different.

The law governing these associations is still in a very unsettled and unsafe condition as far as the protection of the public is concerned, and, as they multiply at every opportunity, legislation is imperative in all of the states where they are not now safely under departmental supervision.

Kinds of insurance. There has been considerable legislation as usual authorizing the transaction of various kinds of additional insurance in the different states.

Indiana ['03 ch.139] permits organization of casualty companies with very broad provisions, including injuries to persons or property of third persons, for which the assured is liable, also plate glass and sprinkler leakage insurance. In Minnesota ['03 ch.244] mutual insurance companies are authorized to insure against loss or damage by hail, tornadoes, cyclones and hurricanes. In Texas provision is made for incorporation of mutual accident ['03 ch.111], and mutual fire, storm and lightning insurance companies ['03 ch.109]. In Pennsylvania ['03 ch.259] health and casualty companies may incorporate, policies are limited to $10 a week in case of sickness or disability, or $250 in case of

th. In Kansas ['03 ch.334] burial insurance is permitted. raska has added numerous kinds of insurance to her list: pter 52 permits organization of life insurance companies on mutual level premium, legal reserve plan; chapter 53 allows anization of corporations and societies on assessment plan of ident, sickness and funeral benefit of not to exceed $200; chap- 47 permits the transaction of accident, burglary, liability, te glass or steam boiler insurance; chapter 45 declares that panies may be organized for automatic sprinkler insurance. Connecticut ['03 ch.23] insurance is authorized against leak- of sprinklers and sprinkler systems maintained for purpose protecting against fire, also against explosions whether fire ues or not, except steam boiler explosions. In Wisconsin ['03 47] the formation of hardware dealers mutual fire insurance panies is permitted, and ['03 ch.20] fire insurance companies allowed to insure against injury resulting from breaking of inklers, pumps or other fire apparatus from causes other than

eports. Several acts were passed requiring publicity of con- ons of insurance companies. In Minnesota ['03 ch.327] the ual statement of an insurance company must be published he county where its office is located. In Vermont ['03 ch.75] insurance commissioners are required to publish bimonthly s of insurance companies "with such comments thereon and rences to statute prohibiting unauthorized insurance as they deem advisable." In North Carolina ['03 ch.680] licensed kers writing insurance for unlicensed companies must file with department a certified copy of the charter of each company a statement of its financial condition.

overnors messages. Governor Bates of Massachusetts recom- ded legislation to prevent manipulation by corporate com- itions of the vast assets of legal reserve life insurance panies. Governor White of North Dakota urges more ade- te control of mutual companies, and the repeal of laws under ch they are incorporated is advised by Governor Sayers of as. Governor Stone of Pennsylvania recommends that fra-

ternal beneficiary societies be brought under supervision of the insurance department to see that they are properly managed. At the time they made no reports and were answerable to no department. Governor Yates of Illinois advised the supervision by the State Insurance Department of Lloyd's associations, as he said, to relieve the responsible associations and the people from injuries caused by irresponsible and disreputable companies of the kind.

Agriculture (general) E. W. Allen
Horticulture: Diseases and Pests E. P. Felt
Domestic Animals E. V. Wilcox

AGRICULTURE[1]

E. W. ALLEN PH. D. UNITED STATES OFFICE OF EXPERIMENT STATIONS

The year 1903 brought a rather unusual amount of legislation relating to agricultural experiment stations, farmers institutes and agricultural organizations, as well as provision for protecting the farmer in regulating weeds and noxious animals, commercial feeding stuffs and fertilizers. Included in this legislation were numerous appropriations for institutions and for carrying the laws into effect, which as a rule provided larger funds and defined the authority more clearly. In many cases the legislation was on subjects entirely new to the state and hence represented a wider extension of measures for promoting and protecting agriculture. In other cases the changes in existing laws were made with a view to securing a greater degree of uniformity in the laws of different states, to aid in their administration and to simplify compliance with their requirements by persons doing business in several states. For the most part the laws enacted were reasonable in their requirements and represent a general improvement in this class of legislation, for they embodied the results of extended experience in the administration and workings of laws of this character in many states.

State departments. There was no very important legislation during the year regarding state boards of agriculture, though several laws and amendments were passed. The most important was that passed in Virginia ['03 ch.295] prescribing the powers and duties of the Board of Agriculture and Immigration, which was placed on a permanent footing by the Constitution of 1902.

[1] *See also* Governors Messages and Summary of Legislation, 1822.

In Delaware ['03 ch.332] the annual appropriation for the Board of Agriculture was increased from $1000 ['99 ch.216] to $3000; in Maine ['03 r.13] provision was made for a state dairy expert and assistant, to be appointed by the commissioner of agriculture; and in Pennsylvania the existing statute ['95 ch.8] was amended ['03 ch.138] to prescribe the officers of the Department of Agriculture and their salaries, and authority given ['03 ch.186] to increase the edition of bulletins of the department from 5000 to a maximum of 25,000 copies.

Experiment stations. The experiment station system of this country is founded on the so called Hatch act passed by Congress in 1887, under which each state and territory receives $15,000 annually for an experiment station. For several years past stations have been maintained in each state and territory including Alaska, Hawaii and Porto Rico, and in several states there are two or more stations, making 60 exclusive of substations. During 1903, 54 of the stations received the benefits of the Hatch act. A bill was introduced in the House of Representatives to increase the federal appropriation from $15,000 to $30,000, which is still pending.

The federal appropriations are supplemented to a quite large extent by state or territorial appropriations for building and maintenance, and also for establishing special or local stations. New stations were provided for during the year as follows:

In California ['03 ch.377] $5000 was appropriated for establishing a poultry experiment station at Petaluma, to be carried on under the supervision of the state station at Berkeley. In Montana ['03 ch.118] an act was passed establishing and providing for the acquisition of title to land for a substation near Billings, but no appropriation was made for maintenance, and as the state has no funds available for that purpose no steps can be taken toward inaugurating work there. Nebraska appropriated $15,000 for establishing an experiment station to test the adaptability of the arid and semiarid lands of the state to agriculture, horticulture and forestry, the station to be under the direction of the same board as the state station at Lincoln. This

station has been located at North Platte. In Utah an appropriation of $12,500 was made for establishing and maintaining experimental farms for two years in different sections of the state to test the possibilities of agriculture on the arid and nonirrigible lands. Six of these farms have been established, all of which are under the general supervision of the state station at Logan.

Specific legislation was passed in many states broadening the work of the stations and providing additional means for maintenance. Arizona ['03 ch.47] issued bonds for $8300 to provide buildings and equipment for the station, specially for the date orchard and the station farm; California ['03 ch.377] appropriated $3000 for experimental and research work in viticulture to be carried on under the station at Berkeley; Connecticut ['03 ch.55] provided for printing 5000 additional copies of the annual report of the Experiment Station; and in Hawaii $16,800 was voted in aid of the federal station for two years. Illinois made a total appropriation of $85,000 for the Experiment Station, i. e. $25,000 for live stock experiments, $25,000 for soil investigations, $10,000 for corn investigations, $10,000 for experiments in horticulture, and $15,000 for dairying. A special appropriation of $10,000 was made for the station in Missouri.

Nevada ['03 ch.47] placed $2000 in the hands of the Board of Irrigation for experiments in studying methods of irrigation to be carried on by the Experiment Station in cooperation with the United States Department of Agriculture. Tennessee appropriated $10,000 for purchasing additional farm lands, and $600 for cooperative experiments with field crops and fertilizers on the type soils of the state; and in Wisconsin $10,000 was provided for purchasing live stock, a like sum for additional farm lands, $1500 annually for two years for tobacco investigations, and $2500 annually for two years for cranberry investigations.

These liberal state appropriations are in accordance with the intent of the Hatch act, which limits the manner in which the federal funds can be expended. The successful extension of the work of a few stations, and the important results which have followed their work in general, have shown the desirability of

providing more liberal funds for their work, both from state and federal sources.

Farmers institutes. The tendency of legislation relating to farmers institutes is in the direction of organizing this undertaking as a distinct department with a responsible head, usually under the direction of the state board or commission of agriculture or the agricultural college and experiment station. The American Association of Farmers Institute Workers, which for several years past has held annual meetings, has shown the desirability of efficient organization for this work and has been a potent influence in the direction of improvement in this respect and in the methods of management.

A small appropriation made by Congress to the United States Department of Agriculture enabled the appointment of a farmers institute specialist in the department during the year, who will maintain close relations with the institutes in the several states, lend his aid in strengthening the state organizations and training competent workers, and endeavor to bring about a national system of institutes by promoting coordination of the work throughout the country and the cooperation of the state organizations, without weakening or destroying their autonomy.

Specific appropriation was made for farmers institutes for the first time in Arizona ['03 ch.47] and California ['03 ch.184]; Arizona providing for a loan of $2700 for this purpose and California appropriating $12,000 for two years. The institutes in California were formerly carried on with funds of the State University. Indiana ['03 ch.233] directed Purdue University to provide farmers reading courses, and publish and distribute circulars and pamphlets of information on subjects relating to agricultural interests. In Minnesota ['03 ch.221] the appropriation for institutes was increased from $16,500 to $18,000, and the publication of a farmers institute annual was authorized. Montana ['03 ch.105] doubled the appropriation for institutes, making it $4000 annually, and North Dakota ['03 ch.11] increased the number of institutes from 15 to 40, and the biennial appropriation

rom $3000 to $8000. In Delaware ['03 ch.331], Illinois ['03 p.4] nd Kansas ['03 ch.248] the existing legislation was amended in inor details.

Agricultural statistics. The most important legislation relating o agricultural statistics was the passage of two laws in Wisonsin. One of these ['03 ch.39] was an amendment of the existng statute [S. '98 §1010, 335e] relating to the collection of staistics of farm products. The scope of these statistics is now roadened to include sugar beets, which have become an importnt article of production in the state, and the number and value f farm animals other than milch cows. Furthermore, the agriultural statistics (formerly in charge of the secretary of state) re hereafter to be collated and published in the report of the State Board of Agriculture. A new law in that state ['03 ch.187] rovides for collecting dairy statistics by the local assessors, relative to creameries, cheese and milk-condensing factories, showing he number of patrons of each and the amount of milk used, the alue of the product, etc., and also the amount and value of the ilk (aside from that furnished to factories), butter and cheese roduced on farms. These statistics are to be filed with the secreary of state, together with the names and addresses of the owners nd managers of the butter, cheese and milk-condensing factories, nd of the butter makers and cheese makers connected with them.

The Florida statute [R. S. '92 §350] was amended so as to reuire the county commissioners to approve the returns of the tax ssessors and transmit these to the state commissioner of agriulture. In Kansas ['03 ch.404] provision was made for publishng horticultural statistics under the supervision of the secretary f the State Horticultural Society. The Maine law [R. S. '83 39-41] requiring returns of agricultural statistics to be made by ocal assessors to the secretary of state was repealed ['03 ch.55].

Associations and fairs. There was considerable legislation durng the year relative to state and county agricultural associations, gricultural fairs and similar organizations. As a rule, this legisation showed a tendency to deal rather more liberally with these ofiows. In an attempt to raise the standard of the agricultural

fair, to encourage better exhibits and to restrict the state's money to the payment of premiums on legitimate exhibits of agricultural products, rather than for the encouragement of racing, amusement features and the like. In several states the provisions for excluding the sale of intoxicating liquors and for preserving order were strengthened.

Colorado ['03 ch.107] provided a state fair fund of $3750 a year, to be awarded as premiums at the State Fair at Pueblo by the state boards of agriculture and of horticulture. In Maine an amendment ['03 ch.215] to the existing statutes [R. S. '83 ch.58 §11] provides an appropriation of 1¼ cents (formerly 1 cent) per capita annually for incorporated agricultural societies not provided for by special enactment, to be divided on the basis of the amount of premiums paid by the society, with the proviso that the prohibitory liquor law shall be enforced on the fair grounds and no gambling allowed. No premiums are to be paid on grade males, and the score card is to be used in judging live stock and dairy products by all societies receiving over $300 from the state. The commissioner of agriculture (formerly secretary of the board) is to certify that the terms of the act have been complied with and the society is entitled to its share of the appropriation.

Minnesota passed an act ['03 ch.126] generally amending the laws relating to the State Agricultural Society, reorganizing that body, prohibiting the sale of liquors on the state fair grounds or within ½ mile of the premises under penalty of fine or imprisonment and making other regulations regarding the preservation of law and order, the control of shows at the State Fair, etc. Another act ['03 ch.170] authorizes the county commissioners of the state to appropriate a sum not exceeding $500 to the county agricultural society out of county funds for the holding of agricultural fairs, provided the society is a member of the State Agricultural Society.

The State Fair was established as a state institution in Montana by a new law ['03 ch.96] which vests the management in a board of directors consisting of one resident from each county, appointed by the county commissioners, and authorizes the selection of a site for the fair near the city of Helena on land to be donated for

that purpose. The fair is to be held between Aug. 15 and Oct. 15, and an appropriation of $10,000 is made for the biennial period. For encouraging county fairs the same state ['03 ch.67] provided for the creation of county agricultural fair commissions, composed of five persons in each case and appointed by the county commissioners, and authorized the appropriation of $1000 a year from the county funds for a fair to be held between Aug. 20 and Oct. 20 with the provision that none of the money is to be used for horse racing or contests of speed.

New York ['03 ch.142] repealed §88a of the agricultural law ['93 ch.338] relating to the apportionment of moneys to agricultural societies, fair associations, or clubs, and provided for a reapportionment, the amount allotted not to exceed the amount paid in premiums the year preceding and in no case to exceed $4000. Associations which fail to hold fairs for two consecutive years forfeit all of their charter rights. Another law ['03 ch.275] stipulates that the local law or municipal ordinance fixing the license fee for entertainments is not to apply to fairs held on the grounds of county or town fair associations.

A peculiar provision in Nevada ['03 ch.96] directs that when an appropriation is made to the State Agricultural Society the gate and other receipts from the annual fair are to be turned into the state treasury, the effect of which is to limit the gross expenditure for the fair and premiums to the amount which the state may see fit to appropriate.

North Dakota ['03 ch.7] passed a new act relating to agricultural fair corporations, authorizing them to make rules for managing their fairs, fixing the membership of the board of directors at not less than 3 nor more than 15 and limiting the liability of stockholders. Oregon ['03 p.197] increased the annual appropriation for premiums to be awarded by the Board of Agriculture from $8000 to $10,000.

In permanently locating the State Fair in South Dakota ['03 ch.218] at Huron, commencing with the year 1905, the state has practically withdrawn its support and placed the burden of guaranteeing the payment of the premiums awarded by the Board

of Agriculture on the citizens of Huron. The board is authorized to lease suitable grounds for the fair for a term of not more than 10 years at an expense to the state not exceeding $100 a year.

In Washington ['03 ch.174] a new law was passed for encouraging county agricultural fairs, authorizing the county commissioners to make a levy of ½ mill tax for the benefit of county fair associations which have held two successive annual fairs and own $4000 of property. The same state has amended the existing statutes ['93 ch.134 §2,8] so as to fix the date of the State Fair between the third Monday of September and the second Monday of October, and outlined more definitely the duties of the officers of the State Fair Commission. With a view to concentrating attention on its State Fair Wisconsin ['03 ch.294] has provided that no agricultural fair association shall hold its fair during the week of the State Fair under penalty of forfeiting its appropriation from the state.

With reference to legislation for other societies, Kansas ['03 ch.405] provided for printing the biennial report of the State Horticultural Society, Minnesota['03 ch.169]increased the edition of the reports of the State Horticultural Society from 3000 to 4000, and Nebraska ['03 ch.1] changed the time of the meeting of the State Horticultural Society from the first Tuesday after the second Monday in January to the third Tuesday in January. An appropriation of $500 was made by Wisconsin ['03 ch.261] to the State Butter Makers Association, the appropriation to the State Cheese Makers Association was increased from $400 to $600 annually ['03 ch.321], and an annual appropriation of $200 was granted to the State Poultry Association ['03 ch.261]. In Kansas a state poultry association was created as a state institution, provision being made for publishing an annual report and for an appropriation of $1000 a year for two years for maintenance.

Weeds and noxious animals. Weeds have been the subject of legislation in three states. In California ['03 ch.250] it was made a misdemeanor for a person to allow Johnson grass (*Sorghum halepense*) to mature on his land, or to sow the seed on land of another person or along the public highway. The Illinois act

relating to the Canada thistle [R.S.'01 ch.18] was amended ['03 p.87] to include other noxious weeds, such as poison ivy, Russian thistle, cocklebur and burdock, and provision was made for appointing commissioners of Canada thistle and noxious weeds. The commissioner on learning of the existence of noxious weeds is to notify the owner of the property to destroy them; on failure to do so within 15 days it is the duty of the commissioner to have them destroyed and to charge the cost, not exceeding 50 cents a city lot or $5 an acre of land, to the owners. The Wyoming law requiring the destruction of the Russian thistle [R.S.'99 §2664-67] was repealed ['03 ch.10].

Noxious animals which are a menace to agriculture or to public safety have been the subject of legislation in 17 states, the largest amount relating to gophers and prairie dogs and to dangerous wild animals.

Minnesota ['03 ch.377] and Wisconsin ['03 ch.414] each provided a bounty of 10 cents on crows, and Wisconsin ['03 ch.414] a bounty of 25 cents on hen hawks. County commissioners in Colorado ['03 ch.84] were authorized to appropriate $1000 annually to destroy prairie dogs; Kansas ['03 ch.378] provided for a tax levy for the extermination of prairie dogs; Nebraska ['03 ch.3] declared prairie dogs to be a nuisance and placed the responsibility for abatement on the owners of the land before Nov. 1, 1903, failing which this was to be done by the overseer of highways at the expense of the owner; and Texas ['03 ch.52] passed an enabling act under which counties may provide means and raise funds for the extermination of prairie dogs. In counties which vote to exterminate the prairie dog, landowners or lessees who after the expiration of 12 months have failed to take steps to exterminate these animals are liable for damages to the owners of contiguous land who have complied with the law, at the rate of $2.50 a month while the nuisance is continued. Kansas ['03 ch.324] authorized the county commissioners in their discretion to pay a bounty of from 5 to 25 cents a head for the destruction of gophers or gray ground squirrels.

In Maine ['03 ch.239] and New Hampshire ['03 ch.62] a bounty of 25 cents a head on porcupines or hedgehogs was established and in Vermont ['02 ch.108] existing statutes ['98 ch.110 §1,3,6; '00 ch.87 § 2] were extended to include hedgehogs, on which a bounty of 10 cents was laid.

Bounties for rattlesnakes, seals, wolves, coyotes, wildcats, bears etc. were provided for in a number of states, or amendments made to the laws under which they are now offered.

Commercial feeding stuffs. Legislation providing for inspecting or controlling certain classes of feeding stuffs, which had its beginning in Massachusetts and Maine in 1897, has steadily increased in extent and in the power conferred. During the past year the laws relating to this in Maine ['03 ch.230], Massachusetts ['03 ch.122] and Vermont ['02 ch.84] were materially changed, extending their scope and providing for maintaining inspection by state appropriation, in place of the tonnage tax which formerly prevailed. The new laws in these three states are practically the same in all important provisions, the main differences being in the details of sampling, penalties imposed and the authority in whom the prosecution is vested. In each state the samples are collected and analyzed by the experiment station. The appropriation for the inspection is $1000 in Maine, $3000 in Massachusetts and $500 in Vermont. The list of feeding stuffs subject to inspection is extended by the new laws to include stock and poultry feeds, condimental, proprietary, patented and similar feeds. Whole or ground grains, brans and other milling products are exempt from the provisions of the laws, as they have been previously, but a penalty is now provided in each of the three states for fraudulent adulteration of these materials. Experience has shown the desirability of requiring a guaranty as to the amount of crude fiber (as well as of protein and fat) in coarse materials where this is high, as it gives an indication of the character and source of the feed. The new Vermont law requires this when the feed contains over 10% of fiber, and the Massachusetts law provides for its determination, together with other ingredients, when deemed advisable.

North Carolina ['03 ch.325] passed its first feeding stuff law during the year. This law is modeled on the new laws noted above, which it follows quite closely in most respects, differing in that it prescribes an inspection tax of 25 cents a ton of feed. Like the Vermont law it requires the guaranteeing of crude fiber as well as of protein and fat and also forbids the adulteration of animal feeds with any foreign substance or any substance injurious to the health of domestic animals. The execution of the law lies with the commissioner of agriculture. The same state ['03 ch.339] also passed a law regulating the sale of cotton-seed meal used either as a fertilizer or a feeding stuff. Each bag is required to bear a label showing the weight of the package and the guaranteed amount of nitrogen or ammonia, the minimum percentage of ammonia allowable being fixed at 7½%. A tonnage tax of 25 cents is provided for defraying the cost of the inspection, which is in the hands of the commissioner of agriculture.

An act passed by Indiana ['03 ch.155] against the adulteration of feed intended for the use of animals applies only to the adulteration of bran, shorts, and other offal from wheat milling—which are excepted by the laws of most states—and takes no account of the many other by-products which are subject to adulteration. A label law passed in Tennessee ['03 ch.429] requires the labeling of feeding stuffs other than the whole or ground products of corn, wheat, oats, rye, peas or cotton seed. The label is to state the weight of the package and the ingredients composing the feed, with their relative proportions. In both of these states the execution of the law is left in the hands of the individual, no official inspection being provided, such as the states maintain in the case of fertilizers. Experience has shown that in the absence of systematic inspection no great improvement can be looked for in reduction of the amount of adulteration. The rigid control exercised in a number of states has resulted in great improvement in this respect and has largely driven out of the market adulterated and misbranded feeds, as well as rendering more difficult the sale of low grade and inferior goods.

Fertilizers. For several years past greater uniformity in the

provisions of the fertilizer laws has been urged both by manufacturers and by officials charged with the execution of the laws. A committee on uniform fertilizer legislation, made up of members from the Association of American Agricultural Colleges and Experiment Stations and the Association of Official Agricultural Chemists, was appointed several years ago and has since interested itself in the unification of these laws as opportunity offered. The suggestions formulated by this committee have been most helpful as a guide and have been followed very largely in drafting or amending state laws during the past few years. Though the funds for the inspection service continue to be raised in some states by an annual license or a tonnage tax, and in other states are provided by direct appropriation, the provisions of the laws in other respects are more uniform in most of the states.

The necessity of fertilizer legislation has not yet been felt in Arizona, Idaho, New Mexico, Nevada, Montana, Wyoming and Utah. In Colorado and Arkansas recent attempts in that direction have been defeated. New laws were passed in California ['03 ch.225], Kansas ['03 ch.313] and North Dakota ['03 ch.101] during the year. In Kansas and North Dakota the license fee is fixed at $20 on each brand, payable in the first state to the secretary of the State Board of Agriculture and in the latter to the director of the Experiment Station; in California a registration fee of $50 is stipulated for each manufacturer of fertilizers selling for $8 a ton or over and a tonnage tax of 25 cents, both to be paid to the director of the Experiment Station. In California the law carried an appropriation of $1800 for the equipment of a laboratory for the analytical work. The laws of both California and North Dakota forbid mixing leather or other inert nitrogenous material with fertilizers unless notice of this is given on the label of each package. The penalty for violating the law in Kansas is $200 for the first offense and $500 for subsequent offenses, and a deficiency margin of 1% is allowed between the nitrogen, phosphoric acid and potash guaranteed and found. In California the margin allowed is ¼% of nitrogen, 1% of soluble or available phosphoric acid and ½% of soluble potash, and the penalty for deficiency or failure to comply with other provisions

of the law is $50 for the first offense and $100 for each subsequent offense. In North Dakota the allowable margin is ⅓% of nitrogen and ½% of available phosphoric acid or soluble potash. The penalty is $100 for each violation.

A new law in Georgia ['03 p.94] extends the provision of the fertilizer law to fertilizing materials sold in bulk to either manufacturers or farmers, and provides for inspection and an inspection fee the same as when the material is sold in packages. Slight changes were made in the existing laws in Illinois ['03 p.4], Maine ['03 ch.217] and North Carolina ['03 ch.755].

The language of the Missouri law ['03 p.53] was much modified, so that the law practically becomes a new one. The principal changes are those making it apply to fertilizers selling for $5 or over and the provision for a tag tax of 1½ cents for each 100 pound package, or 3 cents for packages over 100 pounds, to take the place of the former analysis fee of $10 a brand. A new clause is incorporated forbidding the use of leather, horn, hair and similar inert material unless specified.

The Tennessee law ['03 ch.417], which is a revision of the laws relating to the sale, inspection and analysis of commercial fertilizers, is long and cumbersome and differs in many of its provisions from most other laws. It attempts to regulate the use of the terms "high grade" and "standard" as applied to fertilizers or acid phosphate, prescribing that no fertilizer shall be labeled "high grade" unless it contains at least 10% of available phosphoric acid, 1.65% of nitrogen and 2% of potash; or "standard" unless it contains at least 8% of available phosphoric acid, 1.65% of nitrogen and 2% of potash. A "high grade" acid phosphate and potash must carry at least 13% of available phosphoric acid and 1% of potash, and a "standard" at least 11% of available phosphoric acid and 1% of potash; while for "high grade" and "standard" acid phosphate 14 and 12% of available phosphoric acid, respectively, is prescribed. The law further stipulates that no "complete fertilizer" shall be sold containing less than 12% of total plant food or less than .32% of nitrogen or 1% of potash. In case fertilizers do not come up to the guaranty in composition, the value of the deficiency is to be made good by the manufacturers

to all persons who have suffered. The law calls for registration with the commissioner of agriculture previous to selling fertilizers in the state, and precludes the admixing of leather, either raw or treated, unless this is specified at the time of registration. The administration of the law remains with the commissioner of agriculture, who is empowered to appoint three inspectors to collect samples to be analyzed by the Experiment Station at a fixed fee of $5 a sample, and any purchaser not a dealer may also send in samples for free analysis. The commissioner is directed to collect and publish statistics as to prices of staple fertilizer materials at home and abroad. The inspection tax remains as before, 50 cents a ton, and the penalty for violating the law is fixed at from $50 to $500.

A new law in Vermont ['02 ch.83] generally amends S. '94, §4346-59. The principal change relates to the license fee of $100 for each manufacturer, which formerly covered all the brands the manufacturer might place on the market, but is now limited to five brands, an additional fee of $20 a brand being provided for all in excess of five, except that for a brand containing only two ingredients the fee shall be $15. There are slight changes in the prescription regarding the sample, handling the funds, method of procedure in case the goods are found below the guaranty, and in other minor matters relating to administrating the law, which remains with the director of the Experiment Station.

The general tendency of recent fertilizer legislation has been to extend the scope of the inspection to include cheap fertilizing materials, in many cases down to $5 a ton, and all sorts of unmixed materials, chemicals etc. used as fertilizers. A number of the states require the percentage of chlorin to be guaranteed and a statement made regarding the source of the ingredients comprising the fertilizer; the admixture of leather, wool, horn, hair and similar inert nitrogenous material is quite generally prohibited unless the presence of these is expressly specified in the label. These measures for safeguarding the interests of the buyer impose no special burden on the manufacturer of honest goods, who has been relieved of several less reasonable and more annoying requirements.

HORTICULTURE: DISEASES AND PESTS

E. P. FELT D. SC. NEW YORK STATE ENTOMOLOGIST

The general horticultural law has been amended by a few states in the interest of efficiency. California ['03 ch.379] has placed its extensive inspection and quarantine work in charge of a commissioner of horticulture, who cooperates with county boards. Utah's amended law ['03 ch.104] enlarges the State Board of Horticulture and charges it with the general supervision of the horticultural interests. Outbreaks in any county are controlled by a county board of horticulture appointed on petition by the county commissioners. These boards report to the state board, which in turn reports semiannually to the secretary of state. New Mexico ['03 ch.107] has enacted a general law providing county boards of horticulture appointed by county commissioners, the boards to report to the commissioners each year, who in turn incorporate such parts as may be of general interest in their reports to the governor. California ['03 ch.251] compels labeling all fruit packages with the county and immediate locality where such is grown, and a similar act in Florida ['03 ch.128] provides a penalty for incorrect labeling of trees, plants, seeds etc. sold in the state. Allowing Johnson grass to grow is a misdemeanor in California, and New York classes little peach as a dangerous fungus disease.

Insects. Extended and serious injuries by the cotton boll weevil in Texas led to recommendations by the governor, and the enactment ['03 ch.53] of a law offering $50,000 to any one who would discover and furnish a practical remedy to exterminate the pest. Conditions of the award are such that it is almost impossible for any individual to claim it, and we believe that more could have been accomplished by offering a number of smaller prizes for successful methods of controlling or circumventing the pest. Minnesota ['03 ch.47] provides for plowing lands badly infested with grasshopper eggs, the owner to be liable for the expense provided the work be of value in raising crops; otherwise it is a county charge. The invasion of large swarms of grasshoppers in several counties in California caused the governor to recommend more extended powers for the Board of Horticulture, and the county commissioners are authorized ['03 ch.11] to offer

rewards for destroying the insects, the county to pay one third and the state two thirds.

Nursery inspection. Nursery inspection laws have been enacted by several states and in others amended to increase their efficiency. California provides ['03 ch.30] that trees must be subject to disinfection at the expense of the owner, when there *is reasonable cause to presume* that they may be infested. Connecticut ['03 ch. 88] and West Virginia require a certificate of fumigation as well as of inspection for all stock shipped into the state. The state entomologist of the former is given power to enter any premises, and if infectious diseases or insect pests are a menace to adjoining owners, he may treat or destroy in his discretion. Michigan ['03 ch.206] provides for destroying scale infested trees by fire and specifies method of fumigation. Montana ['03 ch.109] prohibits the use of fruit packages a second time and authorizes members of the State Board of Horticulture to seize and destroy them by burning. The New Jersey law requires fumigation of all nursery stock except where the owner holds a certificate of freedom from injurious insects. The amended Virginia law ['03 ch. 207] delegates police powers to crop commissioners, and West Virginia ['03 ch.49] does away with inspection fees and makes fumigation compulsory.

Résumé. The attempts by Texas to check the depredations of the cotton boll weevil are novel, and it is doubtful if this is the best method of attaining the desired results. The county organization is usually favored in the Western states, probably because of their large areas. States having no inspection laws have been almost obliged to enact them in order to facilitate the sale of nursery stock, since inspection certificates of freedom from dangerous insects and plant diseases are required by a great many states. A few insist on fumigation in addition, and this process seems to be gaining in favor. Nursery inspection work is usually delegated to a station or college official who is required to perform the extra duties without additional compensation, as a rule, though he may receive the title of state inspector, or more frequently, state entomologist. There is a decided trend in all states toward delegating sufficient power for adequately controlling serious plant diseases and dangerous insect pests.

DOMESTIC ANIMALS[1]

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During the past year laws were enacted in 28 states relating to domestic animals. Some of these were new legislation, while most were in the nature of amendments to existing legislation. The subjects covered by laws relating to domestic animals included establishing state boards of stock inspection commissioners, defining duties of such commissioners, running at large, impounding, fences for restraining animals, estrays, damage and trespass by estrays, ownership and sale of animals, brands, driving stock on the range, preventing injury to domestic animals, watering stock, and regulating dogs.

In Colorado ['03 ch.170] the State Board of Stock Inspection Commissioners was established, consisting of five cattle raisers, three sheep raisers and one horse raiser. This board was empowered to make regulations for inspecting brands and live stock, and establishing quarantine and sanitary conditions. The board has authority to appoint brand and sanitary inspectors and also a state veterinary surgeon whose duties shall be to investigate cases of infectious diseases among animals throughout the state. The law establishing the board also provides for imposing an inspection fee for animals inspected by the board and its officers. A chief inspector is also to be appointed by the board. The board may condemn diseased animals and cause them to be killed without the payment of indemnity. The law establishing the board makes it unlawful to ship cattle, horses or mules on railroads or to drive them beyond the boundaries of the state without proper inspection. A method of procedure is established regarding the inspection of brands and disposition of estrays.

The Montana Legislature ['03 ch.50] authorized the Board of Stock Commissioners to audit accounts and to pay money from gifts made to it for defraying extra expenses. The board is also

[1] *See also* review of Contagious Diseases of Animals.

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South Carolina ['03 ch.81] prohibited all persons from driving horses, mules, hogs, cattle or sheep from other states into South Carolina for the purpose of allowing them to run at large in marshes or forest lands. In Texas ['03 ch.7] provisions were made similar to those of Georgia and Oklahoma for holding elections to determine the extent to which domestic animals shall be allowed to run at large within prescribed districts. The Wisconsin Legislature ['03 ch.14] prescribed a penalty for allowing stallions or other male animals to run at large, even when they escape without the fault of the owner.

The subject of stray animals received considerable attention in a number of states. The laws as a rule contain definitions of estrays and detailed provisions concerning the methods by which stray animals may be impounded and subsequently disposed of. The disposition provided for stray animals varies. In some cases they are held as the property of the person who takes them up and reports them, while in other cases they become the property of the state after the payment of damages and expenses incurred by the person who takes them up. In Colorado ['03 ch.105] it was provided that stray animals should not be taken up except when in the vicinity of the residence of the person who makes the complaint, and that a description of such animals be furnished within five days to the secretary of the State Board of Stock Inspection. Estrays which are not claimed within 10 days after publication of a notice in the official live stock paper for two weeks are sold, and the proceeds go to the board. No persons other than authorized inspectors are permitted to take up and retain possession of stray animals except for a brief period necessary in making a description of the animals. In Florida ['03 ch.53] a penalty was provided for maiming or disfiguring stray animals in attempting to drive them from inclosed land. The Idaho Legislature ['03 p.212] declared that the charge for taking care of stray animals should not exceed 10 cents a head per day, and that notice of finding estrays must be published within 10 days. The owner of estrays may regain possession by appearing and proving property

within 90 days after notification and by paying all lawful charges. If the owner does not appear the estrays are sold by the sheriff or constable and branded with an estray brand. Punishment is provided for taking up estrays and converting them to one's own use prior to having obtained legal title to them.

In Maine ['03 ch.36] it was provided that notice should be given within seven days after stray animals are taken up, and that the owner could recover such animals within six months by the payment of legal charges; if however the owner does not appear within six months the animals become the property of the one who takes them up after paying one half their value to the town.

The Montana Legislature defined an estray as being any domestic animal the owner of which can not be found with reasonable diligence. A punishment is provided for taking up and retaining in possession any stray animal found on the range. Such act is declared to be grand larceny. In New Mexico ['03 ch.73] it was enacted that damage done to cultivated fields by stray animals should be appraised by regular process of law and be paid by the owner of the stock. In cases where the owners can not be found the stock is to be sold for paying such damages. In North Dakota ['03 ch.96] a law was enacted requiring all persons who take up stray animals to file a legal description of them within 10 days. The stray animals are declared to become the property of the person who takes them up, provided the owner does not appear within one year ['03 ch.97].

In South Dakota ['03 ch.10] it was declared that persons who sustain damages by estrays must furnish descriptions of such animals to the secretary of state and that no actions for damages can be commenced till after the expiration of 15 days. Notification of taking up estrays is required within 10 days ['03 ch.138]. If the owner does not appear within 11 months after legal notice has been published the stray animals become the property of the person who takes them up, provided their value does not exceed $20, in which case the remainder of the proceeds is paid to the county treasurer. It is declared unlawful ['03 ch.175] for any

person without the consent of the owner to take possession of domestic animals on the open range with the intent of working or using them, even temporarily. The Utah Legislature ['03 ch.68] declares that all stray animals the owners of which can not be found and which have been running at large for two years are forfeited to the state. The poundkeeper ['03 ch.23] is required to advertise the animals, except in cases where the owner has already been notified. The notice is to contain the extent of the damage done and the name of the party damaged.

During the past year seven new laws or amendments were enacted regarding the inspection and recording of brands. The importance of careful regulation of this matter is recognized in these laws and in general the proof of the possession of the brand is considered as sufficient proof of the ownership of animals so marked. Arizona ['03 ch.26] requires inspectors to keep a detailed record of the brands of all estray animals. The use of the brand of the owner on his own stock is not confined to the owner himself, and this fact is recognized by the Colorado Legislature. This state enacted a law ['03 ch.169] requiring all persons or corporations who desire to adopt a new brand to forward a facsimile of such brand to the secretary of state together with $1 as a fee. The secretary of state is also empowered to sell forfeited brands from the old brand book at the same price. The secretary of state is required to supply brand inspectors and other persons with copies of the brand book, which must be published annually. Owners of sheep are allowed to use an earmark, tag or brand, and such earmarks are taken as legal evidence of ownership. In Florida ['03 ch.129] the county commissioners of each county are empowered to divide their counties into cattle districts under the supervision of cattle inspectors who shall be experts in recording brands and who shall inspect all brands and make reports to the cattle commissioners. Cattle driven from one county to another shall be inspected and a certificate of inspection must be furnished to the owners. Inspection fees are charged for this work and the owners of stock are required to furnish all neces-

sary assistance to the inspectors in their operations. Railroad or other transportation companies are not allowed to receive cattle or hogs for shipment unless a certificate of inspection is shown. All persons who desire to transport animals from one part of the state to another are required to give notice to the inspectors setting forth the number and character of the animals which it is desired to transport.

It has been found necessary to take great precautions in preventing the mutilating or obliterating of brands. In Montana ['03 ch. 125] the use of a sash, frying pan or any other device which might be employed to obliterate a brand is prohibited and a fine of $200 or imprisonment for 60 days is provided. In Nebraska ['03 ch.58] it is declared that in civil or criminal proceedings where the ownership of domestic animals is involved the brand shall be considered as prima facie evidence of ownership. It is also provided that the owner of brands may sell and transfer them by causing legal notice of such transfer to be made. In Oklahoma ['03 ch.1 art.2] it is declared that any registered brand which has not been used by its owner for two years may be advertised for three consecutive weeks in an official county paper and may then be canceled, if no objection is raised by the owner. The county commissioners are required to consider the cancelation of all such brands at their first regular sessions after the expiration of the time of notice. The Legislature of Utah ['03 ch.22] requires the state auditor to prepare a list of brands annually before the first day of October or as often as he deems expedient, and to distribute copies of brand books gratuitously to county clerks. The remaining copies are to be held for sale at a uniform price.

Many laws and amendments were enacted during the past year to prevent stealing or driving away animals after mutilating brands or other recognition marks. It becomes necessary to require the exhibition of the skin or head of animals in certain cases in order to determine that possession of such animals has not been fraudulently acquired. In Florida ['03 ch.52] it is de-

clared unlawful to remove the ears or head of domestic animals before such animals have been dressed. The Oregon Legislature ['03 p.110] requires the owners of stock yards to keep a public record of the brands of all horses and cattle received at or shipped from their yards or corrals. In South Dakota ['03 ch.153] sheriffs are declared to be horse inspectors with the duty of inspecting the brands of all horses which are about to be shipped from the county or beyond the boundaries of the state. All horse owners intending to ship horses are required to notify inspectors of such intended shipment in ample time to allow the inspectors to examine the brands. The county auditor of each county is required to publish in official papers a report for the preceding months showing the number of horses shipped to various localities and giving a detailed account of the brands. In Tennessee ['03 ch.61] it is declared unlawful for any dealer in hides to make purchases from unknown persons before identification by some reliable person; and the Wyoming Legislature ['03 ch.86] prohibits selling or offering to sell meat by persons other than butchers unless it is accompanied with the skin of the animal by which it may be identified.

The damages to live stock and man by the depredations of vicious or diseased dogs brought about many restrictive enactments regarding the ownership and regulation of dogs and the responsibility for damages committed by them. California ['03 ch.51] provides for recovering damages in cases where angora goats or poultry are injured by dogs, or where sheep or poultry are worried by dogs. It is also provided that if dogs are observed in the act of worrying or injuring sheep, poultry or other animals, no action for damages can be sustained against any person who shall kill such dogs. Similar provisions are made in Connecticut ['03 ch.86]. It is required that persons who may sustain damage from the depredation of dogs shall give information of such damage to one of the selectmen of the town within 24 hours together with an estimate of the amount of damage. The amount of damage is paid by the town after appraisement and subsequently re-

covered from the owners of the dogs. The Florida Legislature ['03 ch.161] declares it to be a misdemeanor for any person to keep in his possession or allow to run at large any dog which is known to have injured or killed or to be in the habit of killing sheep. In Massachusetts ['03 ch.100] provision is made regarding the payment of damages for injuries caused by dogs to domestic animals. In cases where the amount of damage exceeds $20 special appraisers are to be appointed and the bill for damages must be submitted to the county commissioners.

During the past year it was found necessary in some states to pass laws regarding malicious maiming, killing or poisoning domestic animals. The Legislature of Montana ['03 ch.37] declares it to be a misdemeanor for any person to kill or injure in any way live stock of any kind not his own on the public range. The use of poisons or injurious substances is likewise declared to be a felony, but the act does not apply to the use of poisons for the purpose of destroying coyotes, wolves and other animals injurious to stock. The use of dogs for worrying or driving stock on the range is also prohibited ['03 ch.110]. This provision was rendered necessary on account of the existence of feuds between different stock owners on the public range and their tendency to use dogs in driving stock which did not belong to them away from desirable grazing ground, in order that they might secure the grazing. The use of poison for the purpose of destroying domestic animals and the wilful or malicious maiming of such animals is also prohibited in Pennsylvania ['03 ch. 229].

In South Dakota an act ['03 ch.226] amending P.C. §2716 relating to watering places, allows supervisors of townships to conduct the water from artesian and other wells, to the nearest pond on the public highway and to provide for the reception of this water in tanks for the benefit of the public. After such watering places are established and proper tanks provided, all persons are forbidden to drive to such watering places, for the purpose of securing water, stock which does not belong permanently in the township in which the watering place is located. The purpose of

this act was to prevent a possible shortage of water among the taxpayers who had provided for the watering place and who depended on it for their supply.

Regulation of dogs, their registration and protection, also became the subject of legal enactment in many states. These enactments assumed various forms and covered various points regarding dogs. In some cases the chief purpose was to protect other domestic animals against the attacks of vicious dogs, while in other cases the purpose was to protect properly registered dogs from injury by persons other than their owners. Enactments were passed for the purpose of preventing cruelty to animals in a general sense. The danger from rabies in diseased dogs also constituted one of the reasons for certain enactments. In Connecticut ['03 ch.6] a penalty was provided for stealing or securing registered dogs under the age of 6 months or for killing such animals. The Maine Legislature ['03 ch.103] required the registration of all dogs over 4 months of age on or before April 1 of each year. Any person who becomes the owner of a dog after that date is required to have the dog legally registered within 10 days after he acquires possession. In case of injury to human beings by dogs when the damage is not occasioned through the fault of the person injured damages may be recovered by action for trespass ['03 ch.109]: A written complaint is required within 48 hours after the damage is sustained. If complaint is made that a dog is believed to be dangerous or vicious the owner of the dog must be legally notified and may be required to kill or confine such dog. In Nevada ['03 ch.24] a heavy penalty is provided for poisoning dogs. The New Hampshire Legislature ['03 ch.109] requires a fee of $2 as annual license for spayed female dogs. In Vermont a law was enacted ['03 ch.121] according to which if any three legal voters consider a dog dangerous and notify the selectmen of the town in writing the case must be investigated, and if the complaint is sustained, the dog must be kept confined. Virginia passed an act ['03 ch.65] relating to more rigid enumeration and registration of all dogs, the imposition of a tax on dogs, and the

duty of sheriffs or deputy sheriffs to kill dogs on account of delinquency in taxes. The sheriff or deputy sheriff is required to return to the county treasurer at the end of each month all taxes collected. The supervisors of each county are empowered to hear the complaints of owners of stock regarding depredations committed by dogs. The proof of such damage is to be submitted and the claims may be adjusted by the county commissioners. It was also enacted ['03 ch.208] that hereafter all dogs must be properly licensed and that dogs on which taxes are due shall not be considered personal property and can not be made the subject of trespass. The Wisconsin Legislature ['03 ch.328] provided that any person who knows that a dog is affected with hydrophobia may kill such dog, provided the dog is out of the immediate care of its owner or keeper.

Forestry E. G. Hunter
Game T. S. Palmer
Fish Barton W. Evermann

FORESTRY

E. G. HUNTER, UNITED STATES BUREAU OF FORESTRY

During 1903 more laws were passed for protecting forests, and more states took part in such action, than during any previous year. A review of these measures involves a review of conditions in New England, the Atlantic states, the Middle West, the West and South, and in Hawaii.

The laws enacted show a widespread appreciation of the fact that the past wasteful use of forests must cease, and that soon conservative forest management is likely to be established throughout the country. The development of the forest movement is illustrated by the progressive stages which the enactments have attained. The objects for which they were passed include acquiring lands, promoting active silvicultural operations on state lands, providing bounties for the private cultivation of forests, preventing fire and trespass on forest lands, and establishing state forest commissions.

The majority of the forest fire laws of 1903 were passed as a result of the recent disastrous and widespread fires. The adoption of state forest policies and the development of those already established indicate a growing interest in forest protection. The number of laws passed for acquiring and surveying state forest reserves shows an important activity among the states in matters which have claimed the attention of the federal government for several years.

A law for these purposes enacted last year by California is significant because of the great influence it promises to have on the

future welfare of the state. Forest protection in California for the conservation of water supplies is of peculiar importance, as in a large part of the state agriculture can be carried on only by irrigation. A consideration that makes the question one of national interest is the preservation of the Big Tree groves, the oldest and most wonderful tree growth in the world. In addition to much concerted action within the state, the threatened extermination of these sequoias led to widespread efforts elsewhere, which resulted in the passage of the act ['03 ch.155] in question. It appropriates $60,000 for studying the forests, water supply, and irrigation methods. In accordance with the recent tendency toward state and national cooperation this study is to be undertaken in cooperation with the United States Bureau of Forestry and the United States Geological Survey. The act promises a resumption of the state's early protective measures. These began in 1885 with the establishment of a forest commission. Then, after the work had continued for several years and considerable progress had been made, specially in experimental tree planting, the work was discontinued.

Of different import was a resolution adopted by the state [Cal. '03 r.16] protesting against the permanent reservation of the major part of land recently withdrawn from entry by the national government. Conditions there had already led to the permanent withdrawal of a greater area than in any other state. Such reservations are made only on expert advice and study, and of the temporary reservations against which protest has been made, only those parts necessary for protecting the best agricultural and other interests of the region and its people would be permanently reserved. Opposition to such measures has however almost always grown out of a misunderstanding of the government's policy.

Action similar to that of California was taken in Utah, this state having memorialized Congress for the speedy restoration to the public domain of a vast amount of land temporarily withdrawn from entry ['03 p.204]. The governor in his annual message also protested against the permanent reservation of this land.

Nevada, after a long period of neglect, enacted a law ['03 ch.93] for preserving its second growth forests. The original forest has been largely exterminated, and natural reproduction in that dry climate proceeds very slowly. The law enacted shows an appreciation of the need of preserving "the natural water supply of the state," as well as a future timber supply; and it makes punishable by heavy penalty the selling of soft woods under specified size.

Colorado enacted a fire law ['03 ch.83] which makes certain public officers firewardens by virtue of their office. This law, with that of 1901, which prescribes precautionary measures in regard to fire and cutting, does not, it is believed, make amends for the defects of the state's general forest law of 1897. This general law departs from the plan earlier adopted and, despite the imminent danger of conflict with other existing laws, deals with forest protection only in connection with fish and game. The recent disastrous forest fires in Colorado show the need of more stringent protective measures, and the governor in his message of 1901 called attention both to this matter and to the need of an appropriation for enforcing a forest policy. With a further decrease of its forests, the welfare of the state would be imperiled as the dry climate there makes unaided reproduction difficult. Fortunately, it is believed, the greater part of the Colorado forests are controlled by the national government.

Oregon and Washington have enacted forest fire laws during the past year. The vast timber forests of these states have been greatly ravaged by fire in the past, but their future protection is to some extent insured because of the large areas now included within the federal forest reserves.

Oregon enacted a general law in 1901 for protecting forests and game. This provided for a paid state game and forestry warden and for a small warden force, county officers also being empowered to enforce the law. The law of 1903 [p.140] is mainly an enlargement of this system. It provides that certain public officers shall be ex officio fire, game and fish wardens, but it does not add to the earlier law any adequate protective measures.

The Washington law of 1903 [ch.114] makes a great advance over previous laws of that state. While it contains some features of a progressive forest fire law, it still lacks the full requirements of an effective law. The state land commissioner is made forest firewarden, and county commissioners are constituted boards of deputy forest firewardens for appointing wardens. The law also provides for patrolmen. The following precautionary measures of the law are commendable: during the dangerous season the burning of slashings is prohibited except with official permission and compliance with certain regulations; regulations must be posted; precautions must be taken by railroads against fire; districts must be patrolled; men must be detailed to prevent fires from spreading; penalties must be paid for kindling fires or for refusing to obey official summons to fight fires. There is however no provision in the law for enforcement. Such a roundabout system and its lack of a centralized force can not but fail in effect. Experience has always shown the great necessity for direct dealing, and that county officers have proved unsatisfactory firewardens.

A better law may be seen by turning to the Great Lake states, in which fire has caused great loss. Heretofore Minnesota alone has provided for enforcing a forest fire law. This law, which was passed in 1895 [ch.176] has been extolled as one of the model fire laws. It was amended in 1903 [ch.363]. While it is unquestionably one of the best in this country, it is still imperfect. In 1903 both Michigan and Wisconsin took measures greatly needed to protect their forests. The Michigan law ['03 ch.249] is modeled after the New York and Minnesota systems which are the most progressive and effective. There is a chief firewarden to supervise the forest commissioner and to have general charge of the force of wardens. These are empowered to arrest on view violations of the law, are required to take measures to suppress fires and are authorized to summon necessary assistance; refusal to obey such summons is made punishable by fine or imprisonment. The state is wisely given a share in the expense of suppressing forest fires. The law aims to lessen the temptation to

residents to set fires for the purpose of gain, by limiting the term of service for which wardens can be paid, and by placing a greater limit on the service of assistants. The law further provides penalties for kindling fires, for destroying warning placards and for neglecting to obey precautions prescribed for operating railroad and other engines.

The new fire law of Wisconsin is included in a general law enacted by that state ['03 ch.450].

In the past the forests of the Great Lake states have been one of the chief sources of wealth, and their conservation is now of great economic importance. In each state the conditions to be met by fire protection are much the same. Originally the northern parts of these states were heavily stocked with pine forests, which to the southward gave way to hard woods, and these in turn to prairie. The forest resources of these states, which at one time led the lumber industry of the country, are now very greatly exhausted, after more than a half century of active lumbering. Vast tracts of the original forest are now waste lands. A high rate of taxation on timber lands has impelled owners to remove the timber and to surrender the denuded lands to the state in lieu of taxes. Thus all three states have had to confront the problem of dealing with great tracts of waste land, which, suitable only for producing lumber, might be made productive if given over to forest cultivation. The governors of these states in their annual messages espoused the forest cause.

Hitherto, efforts made in the Great Lake states to establish forest reserves have been only moderately successful. Michigan, which in 1899 enacted laws for establishing a forest policy and for a forest preserve in 1901 passed another reservation act in 1903. This act ['03 ch.175] withdraws certain tracts for the state preserve, and at the same time it returns to entry tracts set aside in 1901. Provision is made for a warden force, for maintenance of the preserve, and liberal powers are granted for the sale of forest products, and for the sale, lease or purchase of lands within the preserve. The law carries with it an annual appropriation of $7500.

The Wisconsin law [ch.450], passed in 1903 for establishing a state preserve, embodies also the general forest policy adopted by the state. With the provisions of the law for reserving land, for a firewarden force headed by a superintendent of forests, for the active conduct of timbering operations, for establishing forest experiment stations, and for an appropriation to carry out these provisions, the forest policy of Wisconsin appears now to be placed on a good foundation. This state was one of the earliest to investigate its forests, but despite this work and the number of protective forest laws enacted, the efforts to establish a suitable forest policy have hitherto proved unsuccessful. It is believed that the reason for this has been the failure to create official responsibility for enforcing the laws and the lack of appropriation to carry out their requirements.

Minnesota has in the past made several attempts to establish forest reserves. Following these efforts an act of 1903 [ch.134] authorizes the State Forestry Board to purchase, at not more than $2.50 an acre, land adapted to forest growth, preferably on the head waters of rivers. Characteristic of the Minnesota legislation are laws allowing bounty for tree planting. These laws date back to 1871 and their effect is manifest to some extent in transforming prairie into woodland. The legislation of 1903 [ch.230] slightly amends an earlier law which encourages tree planting.

Of the Northern Central states **Indiana** is the only one which has established a forest policy. In 1903 it passed two laws which supplement the forest law of 1901. One, an amendatory law ['03 ch.11], makes certain changes in regard to the personnel of the State Board of Forestry and provides for increased compensation; the other law ['03 ch.60] authorizes the purchase of 2000 acres of land for a state forest reservation, nursery, and laboratory of forest demonstration.

Several of the **New England states** enacted forest laws in 1903. Hitherto these states have done little for forest protection, though Maine since 1891 possessed a law modeled on the New York reserve, and later New Hampshire enacted a somewhat similar

law. The recent disastrous forest fires in Maine led last year to an amendment ['03 ch.168] to the fire law. The recent measures adopted by both states show a newly awakened interest in preserving their forests and mountain scenery. This is a result of the acquisition of large tracts of forest land for business purposes, and arguments are made to show that the summer tourist business is of greater importance there than the lumber trade.

The Maine forest, with its many lakes, would be particularly suitable for a great public park, though the extension of railroads into the more northern sections now threatens its deterioration. A resolution of the Legislature of 1903 [r.102] allows the United States to acquire lands in that state for a national forest preserve.

More telling action was taken by New Hampshire, which looks toward establishing a forest preserve in the White Mountains, where there appears to be a greater urgency for immediate reservation. This act ['03 ch.139] provides for a general examination to be made by the United States Bureau of Forestry, and appropriates $5000 for the purpose. When New Hampshire adopted its forest policy in 1893 it owned no lands, and while the law passed that year looked toward establishing reserves, no provision was made for them other than an authorization for purchase whenever the necessary funds should be donated. Since then but little progress has been made. One of the enactments of 1903 [ch.25] is an amendatory law to preserve from injury lands acquired by the state; another act [ch.124] allows a rebate of taxes on private lands planted with forest trees in accordance with certain conditions.

Connecticut amended the law passed in 1901 to establish its forest system, and at the same time authorized the state forester to sell timber and to adopt measures for improving the state forest ['03 ch.132].

New York passed two amendatory laws in regard to its forest fire policy ['03 ch.186, 442]. It seems however that the more necessary measures have been overlooked. Protection has not yet been provided for lands outside of the forest preserve counties,

and the constitutional barrier to good forest management has not been removed. The appropriation for the State College of Forestry has been withheld, and the acquisition of lands for the Adirondack park has not been continued. In his last two messages the governor touches on this subject, in the earlier message protesting against a hasty acquirement of land, and in the last one recommending that the matter be referred to a commission of inquiry.

Pennsylvania enacted more forest laws in 1903 than any other state. It has also been the most progressive state during the last few years in developing its forest policy and in rapidly extending its reserves. This marked progress is due to a practice adopted at the beginning of paying competent officials to carry on the state's forest work. A continued advance is evidenced by the laws passed in 1903: one ['03 ch.59], authorizes the appointment of a deputy commissioner of forestry and an additional clerk; another ['03 ch.146] limits the annual expenditure for the purchase of forest land to $300,000; another law ['03 ch.29] empowers employees of the commissioner of forestry to arrest on view violators of laws enacted for protecting fish and game; a fourth law ['03 ch.144] deals with the operation of railway lines along or within borders of forest reserves. The most notable law provides for establishing a forest school on the state reserve at Mont Alto ['03 ch.295]. As designed by the commissioner of forestry, this school aims only to train capable workmen for actual work on the reserves. The men are instructed at state expense and they repay the state by labor on the reserve.

The recent impetus given to the southern lumber trade by the depletion of northern forests has resulted in efforts toward forest conservation in a number of **Southern states.** The governor of West Virginia called attention to the subject in his last message and the Legislature of Tennessee passed a resolution for appointing a commission to study forest conditions ['03 p.1633].

An act was passed in **Hawaii** [ch.44] establishing a forest system which is now being developed vigorously by a trained forester. The act provides for protecting existing forests and

particularly for recstablishing forests on suitable lands. Provision is also made for selecting lands to be included in permanent forest reserves.

During 1903 a number of laws were enacted which are remotely related to those providing forest protection. These comprise laws dealing with timber inspection, measurements and marks, flumes, and the driving and transportation of lumber. Laws of this kind were passed by Vermont ['02 ch.66], Wisconsin ['03 ch.23], Minnesota ['03 ch.103, 346], Wyoming ['03 ch.16], Idaho ['03 p.89], Oregon ['03 p.19], North Carolina ['03 ch.41, 261], Florida ['03 ch.66] and Tennessee ['03 p.1633 and ch.137].

On the whole the country has evinced increased interest in forestry during 1903, specially through the great number of references made to the subject by governors in their annual messages. Sixteen states and one territory have identified themselves with the forest movement; and California, Oregon, New Hampshire, Connecticut and Pennsylvania are prominently represented. The president of the United States in his third message as in his two earlier ones has continued strongly to urge and to support action leading to a conservative management of forests.

GAME[1]

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During 1903 amendments to the game laws were under consideration by the Legislatures of 40 states and in all except four—Delaware, Missouri, Nebraska and Rhode Island—important changes were made. The volume of game legislation probably exceeded that of 1901, or of any previous year. In addition to the numerous general laws there were 54 local or county game laws passed in North Carolina alone, so that the total number of game laws enacted during the year was probably considerably more than 100. But to complete the record of the year it is necessary to consult other sources of information such as private laws, department regulations and the decisions of the courts. In North Carolina one of the most important general laws protecting practically all the nongame birds of the state, authorizing the employment of game wardens, and establishing a nonresident license system does not appear in the volume of Public Laws but was published in the Private Laws ['03 ch.337]. The Alaska game law was supplemented by regulations of the secretary of agriculture establishing special close seasons and fixing the conditions under which trophies and specimens can be shipped from the Territory [Biological survey circular 39]. The highest state courts have exposed defects in some of the existing statutes and have declared several important laws unconstitutional. Closely connected with these legislative and judicial changes are the suggestions in the governors messages which in many cases formed the basis of legislation.

Governors messages

The general attention paid to the protection of fish and game is shown by the references to the subject in the president's message and in the messages of 14 governors. It is interesting to note the different topics referred to and the different points of

[1] Governors Messages and Summary of Legislation, 1900.

w. The president urged the protection of game on the forest erves and deprecated the slaughter of elk for their antlers or ks; the governor of Wyoming urged protection of elk and ose, and the governor of New Mexico of elk, antelope and ep for 10 years. The governor of North Carolina touched on : necessity for a law protecting nongame birds. The governor New York deprecated amendments to the game laws and ggested that county boards of supervisors be given authority der direction of the Forest, Fish and Game Commission to gulate the game laws for their own localities within certain its. The governor of Kansas recommended placing the fish d game interests of the state under one control; the governor Colorado urged attention to the enforcement of the laws and e introduction of a civil service system into the department; e governor of Nebraska commended the game warden service; ile the governor of Idaho declared the office of state game rden a failure and a useless burden on the state. Hunting enses were mentioned in three messages: the governor of aine urged the establishment of a nonresident license, the vernor of South Dakota condemned the nonresident license stem, and the governor of Wisconsin recommended a change the resident license law so that landowners could hunt on their n premises without paying a fee. With two or three notable ceptions these recommendations were acted on favorably. No tion, however, was taken on the recommendation of the governor of Kansas regarding a fish and game warden or on the ggestion of the governor of New York regarding local legislaon, and in reply to the condemnation of the game wardenship the governor of Idaho the Legislature established the office a firmer basis than ever. [See *Governors Messages,* 1900]

Legislation

General. In 11 states, Arizona, Colorado, Georgia, Idaho, linois, Minnesota, Nevada, Tennessee, Texas, Virginia and ashington, general game laws were enacted or existing statutes dified or materially modified. In nine states, Colorado, Georgia,

and North Carolina are now the
the old system of local legislation

s of importance were also made fo
laws. New Mexico established
warden, with a term of two years, a
able from the territorial treasury
office of state game warden wit
salary ['03 ch.169 §7]; North C
warden service in charge of the And
h.337]; North Dakota substituted
of a state warden ['03 ch.103]; G
appointment by the judge of the Su
freeholders of the county, of
for two years ['03 p.102] and
y and magisterial district ga
ars ['03 ch.227]. Illinois au
wardens in place of one fr
'96'; Arkansas made sherif
as ['03 ch.162]; Oregon imp
constables ['03 p.140] and

Nevada and South Dakota, have county wardens only, and Virginia city and magisterial district wardens. In Alabama, Arkansas, Kentucky, Mississippi, South Carolina and Texas the enforcement of the game laws is left to sheriffs and similar officers; and in Alaska and the Indian Territory it is in the hands of federal officers.

Big game. Kansas prohibited the killing of antelope for 5 years, ['03 ch.320] and Massachusetts, of deer for 5 years. In the latter state the increase of deer has given rise to complaints on account of the damage done to growing crops and provision has been made to allow deer to be driven from cultivated ground ['03 ch.245] and also for paying for damage done by them to crops ['03 ch.407]. Similar provision has also been made in Maine for damage done by deer ['03 ch.99]. South Dakota has shortened the open season on big game of all kinds to the 30 days extending from Nov. 15 to Dec. 15 ['03 ch.149], and Florida has cut off one month from the open season which now closes on Feb. 1 for deer, quail and turkeys ['03 ch.146]. Under the Alaska game law the secretary of agriculture established a close season of five years for caribou and walrus in certain parts of the territory [Biological Survey circular 39].

Game birds. Arkansas has established a close season of 10 years for English and Chinese pheasants ['03 ch.77] and Kansas a close season of 4 years on Mongolian pheasants ['03 ch.323]. Important advances have been made by New York ['03 ch.256] and Montana ['03 ch.58] in prohibiting spring shooting of waterfowl. In the latter state, however, the law has unfortunately been declared unconstitutional on account of a defect in the title [State *v.* Brown, 74 P. 366]. Nevada has also stopped spring shooting of ducks, cranes, woodcock, plover and snipe ['03 ch.105 §5] and Massachusetts has closed the open season for shore birds on Mar. 1 instead of May 1 ['03 ch.162].

On the other hand retrograde legislation has been enacted in Connecticut by shortening the close season on Wilson snipe to the three months of May, June and July ['03 ch.114] which practically removes all protection from the bird; also in Wisconsin by

opening the season for duck shooting from Ap. 10 to Ap. 25 ['03 ch.449]. This apparently short season is doubly destructive since it occurs at the hight of the spring migration and birds which have found protection on arrival become somewhat tame and may be slaughtered in great numbers during the first two or three days of the open season.

Nongame birds. The movement for the protection of nongame birds, through the efforts of the Audubon Societies and the committee of the American Ornithologists' Union, made remarkable progress during the year 1903. As already mentioned nine states, five in the South and four in the North and West adopted a practically uniform law. In 1901 the same law was adopted in eight states and the District of Columbia, in 1902 it was enacted in two states, and Congress incorporated it in the Alaska game law. Altogether 27 states and the District of Columbia have now adopted this law which was originally proposed by the American Ornithologists' Union in 1886. This record exhibits unusual success in the effort toward uniformity of legislation.

Massachusetts supplemented her existing law for protection of nongame birds by making the penalty of $10 for killing such birds or taking their eggs apply to each bird or egg ['03 ch.287], and by a special statute protecting herons and bitterns ['03 ch.244].

Licenses. Important changes were made by a number of states in the requirements regarding licenses for hunting. The nonresident license system was adopted by seven states, Colorado, Idaho, Maine, New Hampshire, North Carolina, Tennessee and Utah, and the resident license system by four, Colorado, Idaho, Illinois and Washington. The fees for nonresident licenses are $10 in New Hampshire, North Carolina and Utah, $15 in Maine, and $25 in Colorado and Idaho. Idaho also has a $5 license for birds alone. The resident license fee is $1 in all cases. Changes were made in the license laws of several other states: Florida extended the license requirement to cover all game; Illinois increased the fee from $10 to $15 and eliminated the requirement of a photograph; Indiana adopted the photographic requirement; Minnesota, North Carolina, Tennessee and Virginia allowed hold-

ers of nonresident licenses to carry a limited amount of game out of the state; Pennsylvania extended the requirement of license to unnaturalized foreign born residents of the state ['03 ch.136]; West Virginia reduced the fee from $25 to $15 and made the license good throughout the state; and Wyoming increased the fee from $40 to $50. Tennessee requires a license only in the case of market hunters or of residents of states which exact a license of residents of Tennessee. New York which had a similar law authorized the Forest, Fish and Game Commission to fix the fee in the case of nonresidents coming from states which have no nonresident license system. Washington abandoned the nonresident in favor of the resident license system but made the license good only in the county in which issued. Arkansas repealed the market-hunting license and adopted a law denying to nonresidents the right to hunt in the state except in Mississippi county ['03 ch.162].

Thirty-one states now require licenses from nonresidents and 13 from residents. The tendency seems to be to fix the nonresident fee either at $10 or $25 and the resident fee at $1, and to make the license good throughout the state. Exorbitant county licenses are rare and fees of $10 or more, for hunting in a single county are now charged only in Florida, Iowa, Maryland and South Dakota. Most states allow limited shipping privileges with the license and several, including Colorado, Minnesota, Maine, and Wisconsin have adopted the coupon license to prevent shipment in excess of the limits fixed by law.

Restrictions on trade in game. Montana and Virginia adopted statutes prohibiting the export of any of their game, and Arkansas, Indiana, North Carolina, Tennessee and Texas broadened their nonexport provisions. The laws of Arkansas and Texas are of special interest since these states have been the scene of wholesale market hunting. The effect of these statutes will doubtless be to restrict the destruction of game for northern markets. Restrictions on the shipment of game from the state have become so stringent that all of the states and territories west of the Mississippi river except five now prohibit export of all game pro-

tected by local laws, all the states in the Union except four prohibit export of quail, and nearly every state in which prairie chickens occur prohibits their export. The only states which have enacted no export laws are Kentucky and Mississippi.

Laws restricting sale have also been strengthened in a number of cases. In Minnesota the sale of any of the game of the state is prohibited, in Arkansas of any protected game, in Texas of all game taken within the state, in Wisconsin of all but a few species, in Utah and Oklahoma of big and upland game, in Illinois of waterfowl, in Florida of quail and wild turkeys, and in New York of woodcock and grouse taken within the state. The prohibition of the sale of ruffed grouse at all seasons now prevails throughout New England (except Rhode Island), New York, Pennsylvania, Ohio, Michigan, Wisconsin, Illinois, Minnesota, and the Canadian provinces of Manitoba, Ontario and New Brunswick, thus affording protection to the birds over a considerable area. In all, 34 states and territories (including Hawaii) prohibit sale of all or certain kinds of game throughout the year.

Miscellaneous. The decrease in game has made it necessary in some states to distribute birds, particularly quail, to keep up the stock but with constantly increasing nonexport provisions the work of restocking has become more and more difficult. In prohibiting the shipment of game most states have failed to distinguish between export of dead game for market and shipment of live game for propagating purposes for which provision should always be made. In 1903 only four states, Minnesota, North Carolina, Texas and Wyoming, made exceptions in their laws permitting shipments of birds for propagation and the number of states which extend such privileges is still small.

A decision of much importance in connection with game preserves was rendered by the Supreme Court of Pennsylvania in the case of Commonwealth v. Hazen [56 A. 263]. Under this decision the act ['71 p.441] incorporating the Blooming Grove Park Association was declared unconstitutional on account of a defect in its title. This association was one of the oldest of its kind in the country and has maintained a large game preserve in Pike county,

Pa. for more than 30 years. Under its charter it claimed certain privileges, among them that of making bylaws independent of the state law for the protection and capture of game on its preserve. The decision shows however that neither corporate interests nor vested rights are superior to those of the state, and that owners of private preserves as well as the general public are subject to the provisions of the general game law.

Another decision of importance to officers charged with the enforcement of game laws is that rendered by the Supreme Court of New Jersey in the case of Hawkins *v.* American Copper Extraction Co. [54 A. 523] which declared § 17 of the act of Mar. 29, 1897 ['97 p.109], unconstitutional because its object was not expressed in the title. This section provided that when a person is convicted a second time for violation of the fish and game laws he is liable to a double penalty for the second offense.

Trespass laws relating to hunting on private lands were passed in Idaho ['03 p.105], Montana ['03 ch.64], Nevada ['03 ch.90], New Jersey ['03 ch.176] and Texas ['03 ch.103].

Finally reference may be made to two rather unfortunate tendencies manifested in the legislation of Arkansas ['03 ch.162] and Nevada ['03 ch.105 §14]. The act of Arkansas already referred to, which prohibits hunting by nonresidents, is in line with similar laws in Missouri and Louisiana but is likely to accomplish little except to arouse unnecessary opposition. The provision in the Nevada law permits any board of county commissioners to shorten the open season for game or to change the open season for certain kinds of game for the county whenever deemed advisable, thus inaugurating a special kind of local legislation and introducing a certain amount of uncertainty and confusion into the state law.

FISH

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Some 28 states participated in the fish and fisheries legislation for 1903, and passed between 70 and 80 laws on these subjects. These laws as a whole tend to restrict both game and commercial fishing and to increase the supervision of the state over the fisheries. A few of them were general enactments creating state bureaus or commissions, or important revenue measures taxing the fishing industry, but the bulk of them were a mass of regulations of minute detail having a restrictive effect in the way of creating or extending close seasons, prohibiting or limiting certain devices, limiting the sale of fish and penalizing violations or increasing penalties.

New Jersey, North Carolina and Washington established state departments—the first a bureau of shellfisheries, the last two oyster commissions. These bodies exercise a general supervision over the whole oyster industry. Pennsylvania established a department of fisheries consisting of a fisheries commission, taking the place of the former Board of Fish Commissioners. The North Carolina ['03 ch.516] law is most comprehensive and hedges about the oyster fishery with restrictions in considerable detail. It charges the oyster commissioner with the enforcement of the laws and gives him wide power for this purpose and for rendering effective all of the provisions of the act. It delegates to the governor, on the request of the oyster commissioner, the important power of suspending by proclamation the use of scrapes or dredges either for a definite period or till the sitting of the next General Assembly. Violations of such a proclamation are heavily penalized—by a fine of not less than $500 or imprisonment not less than one year, together with forfeiture and sale of the vessel for the benefit of the oyster fund. In prosecutions under this section the presence of a dredge or scrape in the equipment of the vessel is prima facie evidence of guilt. Thus a sudden and effective stop can be put to dredging, the heaviest of the oystering operations, at any time by the commissioner in concurrence with the governor.

Texas ['03 ch.122] by amendments taxes practically the whole fishing industry. All fishermen must obtain a license at a nominal fee, the main consideration being agreement to pay the specified tax scale, which is 1 mill a pound on fish, turtle, terrapin and shrimp, 5 mills a bushel for oysters in shell, 1½ cents a gallon on shucked oysters.

Lobster legislation. In Maine ['03 ch.70] the lobster again received legislative attention. The possession of mutilated lobsters, cooked or uncooked, is made prima facie evidence that they are "short" lobsters, i. e. under the legal size, which is 10½ inches. All lobsters save those legally canned must be sold and delivered in the shell. Fishermen are authorized to take and hold egg-bearing lobsters for the disposal of the commissioner of fisheries, who may buy them at a price not exceeding 25¢ in advance of the market price, liberate them where caught or devote them to lobster cultural purposes.

The Board of Commissioners of Fisheries and Game of Massachusetts ['03 ch.348] was authorized to call a convention of the lobster-producing states and of the British provinces to consider laws for preserving the lobster.

Close seasons: partial protection. Maine ['03 ch.178] shortened the open season for young herring 15 days. In Pennsylvania ['03 ch.111] the bullfrog is protected for eight months of the year, from Nov. 1 to July 1, and terrapin from Mar. 15 to Nov. 1. Delaware ['03 ch.374] extended one month the close season for carp, and Virginia ['03 ch.170] that for oysters 40 days. Wyoming ['03 ch.22] added two months to the close season for grayling, speckled and California trout and landlocked salmon, except in the Big Horn and North Platte rivers.

New Hampshire ['03 ch.19] prohibited fishing for lake trout as a gainful occupation. Brook trout and landlocked salmon had previously been protected in this way. "Shiners" have also been brought under the protection of the law, which in common with all other fresh-water fishes of the state may not be taken with netting save for bait. Pike perch, white perch and black bass are partially protected, the perches during May and June, the black bass during May, but the prohibition does not apply to tide

waters. In Massachusetts ['03 ch.205] it is made unlawful for three years to buy or sell trout save those artificially propagated. Delaware ['03 ch.373] prohibited fishing save with hook and line in the Chesapeake and Delaware canal and its feeders; prohibited all fishing for black bass save with hook and line; and prescribed the minimum length of black bass which may be taken at 7 inches. In Washington ['03 ch.108] it was made unlawful till August, 1908, to take any game fish for the purpose of selling or preserving them, salmon trout in streams west of the Cascade range excepted. Transportation companies are forbidden to carry or possess for the purpose of carrying any game fish, the product of private hatcheries excepted.

Licenses, penalties and taxes. It is evident that there was a tendency to increase the state revenues from the fisheries and to devote such funds to the fisheries or to fish culture. Oregon ['03 p.218] increased the number of classes of salmon canners and dealers and raised the license fees in order to increase the state hatchery fund, and declared an emergency to put the act into immediate effect. Fines obtained from violations of the salmon laws were directed to be covered into the hatchery fund. Florida ['03 ch.137] required a license fee of $50 from nonresidents before engaging in sponge fishing, while Georgia ['02 p.107] repealed a similar provision with respect to taking oysters for market. The proceeds of the tax on fishery products in Texas go to the fish and oyster fund. In a number of instances penalties have been increased and applied to some specific purpose in furtherance of fishery interests.

Artificial propagation. New Jersey ['03 ch.166] and Pennsylvania ['03 ch.148] by joint legislation undertook experiments in the propagation of sturgeon. New fish hatcheries are provided by Maine, New Hampshire, Minnesota, Wisconsin, Kansas, Wyoming, Oregon and Washington, a total of $67,500 being appropriated for this purpose. It is noteworthy that one state, Vermont ['03 ch.105], authorized the fish and game commissioners to sell at a profit trout fry and fingerlings to residents of the state to be planted in state waters, the proceeds of these sales to be used in trout culture.

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Adna F. Weber
Horace G. Wadlin

LABOR (GENERAL)[1]

CHIEF STATISTICIAN N. Y. DEPARTMENT OF LABOR

and industry. The utility of government ...ish legislators and citizens with trustworthy in... concerning the condition of the working people, their ... and needs, and their relations with employers gains ...eral recognition from year to year. Such bureaus are ...tly regarded as a part of the public system of education ... them the people look for guidance in solving the increas... complex problems of economic organization. Investigations ...cted by the bureaus frequently precede action of legislative ... in the enactment of labor laws and in some states, par... rly Massachusetts, the Legislature seldom passes an im... nt labor law without having first directed the Bureau of ...tics of Labor to investigate and report on the subject. Now ...hen propositions to abolish a bureau are made in the interest ...nomy, but if the department has been administered with a ...egree of efficiency, it has no reason to fear such action, which ...een taken only two or three times in the history of the ...ry. Even in a state with the relatively slight development ...nufacturing industry as is possessed by Nebraska the recom... ...ation of the governor in favor of the abolition of the Bureau ...lustrial Statistics did not prevail. On the other hand, sev... ...tates increased the force of experts employed in the bureaus ...or and another state, Oregon ['03 p.205] on the recommenda... ...f its governor joined the 32 that have provided such depart... ... The 12 states still unprovided with such statistical

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also Governors Messages and Summary of Legislation, 2040.

service are those in which agriculture is still the predominant industry and are found chiefly in the South and West. Of the Eastern states, proper, only Vermont and Delaware are now without bureaus of labor.

At long intervals many states find it necessary to revise or codify their labor laws and on such occasions it is becoming a common practice to intrust such revision to a commission composed of representatives of employers, employees and the general public. Massachusetts in 1903 [r.87] created such a commission of five persons to consider the problems of industrial relations—strikes, boycotts, blacklists, injunctions in labor disputes, employers liability, industrial courts, etc. This commission has recently made its report to the Massachusetts Legislature and important amendments to the labor laws of that state will probably be made within a short time.

Employment bureaus. Impositions on unemployed working people have led to legislation in most states regulating employment agencies and in 13 states to the establishment of free employment bureaus under the control, as a rule, of the commissioner of labor. No new bureaus were established in 1903, but the Massachusetts Legislature directed the Bureau of Statistics of Labor to investigate the workings of such bureaus and report to the Legislature of 1904 on the expediency of establishing the institution in Massachusetts. The bureau has lately made its report, in which it concludes that the free employment offices at home and abroad have been uniformly successful, and recommends their establishment by state authority and appropriations in the principal cities of the state. Several states strengthened the control over private agencies, though Illinois reduced the license fee in cities of 50,000 or upward (Chicago and Peoria) from $200 to $50 a year. Maine increased the license fee from $1 to $5 and provided that no money be taken from an applicant unless employment is furnished; formerly a fee of $1 was permitted. California likewise provided than no employment agency shall receive a fee till employment is furnished, limited the fee to 10% of the first month's salary and required registers of applicants to be kept and to be made accessi-

ble to the inspection of the commissioner of labor. [*Summary of Legislation,* 2114]

Child labor. The class of labor legislation attracting the most attention last year was that which regulates the employment of children. The obvious importance of protecting the rising manhood and womanhood of the state against physical and intellectual deterioration enlists in the movement the sympathies of philanthropists and farsighted citizens generally. The governors of Illinois, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, West Virginia and Wisconsin recommended legislative action, which followed in all of these states except West Virginia, and also in Alabama, Arkansas, Colorado, Connecticut, Montana, South Dakota, Texas, Virginia and Washington. In the Southern and Western states legislation restricting child labor is in its earlier stages and while it is in some cases (notably in Oregon and Washington) on a level with the prevailing standard in the eastern industrial communities, it more frequently leaves much to be done in future years. Aside from the success achieved by the reformers in securing the first statutory regulation in six of the Southern states, the most interesting phase of the movement in 1903 is the advance made in Colorado, Illinois and New York. Colorado adopted an eight hour day for children 14 to 16 years old, while Illinois not only accepted the eight hour day for such children in all gainful occupations but enumerated a long list of employments, covering a considerable part of the field of manufacturing, in which it absolutely prohibited the employment of children under the age of 16 years. New York was content with a nine hour day for children (reduced from 60 hours a week) but required a minimum amount of schooling and provided detailed regulations to guard the issuance of employment certificates to children and enacted a special law requiring the licensing of newsboys in New York city and Buffalo. The following analysis of the New York statutes was made by the State Department of Labor:

Of the five acts ['03 ch.151, 184, 255, 380, 459] the first three are amendments of the general labor law, the fourth amends the Penal Code and the fifth the consolidated school law.

The general purpose of these five new laws is to harmonize the school law with the factory and mercantile laws by requiring children to attend school throughout the school year till they have attained the age of 14 years, and when they begin work at the age of 14, to complete their elementary education, in the larger cities, by attending evening schools, for which purpose the maximum amount of labor that may be required of children between 14 and 16 years of age is reduced from 10 to 9 hours a day in factories, stores etc. The mercantile law, which heretofore applied only to stores, has been broadened in scope so as to protect children employed in messenger and delivery service, hotels, offices etc., while a special street trades law has been enacted to protect newsboys. Finally the use of false certificates of age, whereby children have gone to work before attaining the legal age of employment (14 years), is made difficult by very strict regulations concerning the evidence of age to be furnished by parents or guardians to the officer who issues employment certificates.

The new school law requires children between 8 and 14 years of age to attend school throughout the entire school year and absolutely prohibits the employment of any child under 14 years "in any business or service whatever, during any part of the term during which the public schools" are in session. The school law is thus the most comprehensive of all the laws regulating child labor, for it applies to all employments without exception; it does not, however, interfere with vacation work, which is regulated for certain occupations by the factory, mercantile and street trades articles of the labor law. The factory law has heretofore prohibited the employment of children under 14 years of age *in* factories and the new law ['03 ch.184] brings within this prohibition children employed "in connection with" a factory, thus including office boys, delivery boys, etc. The mercantile law, applying to stores in cities or villages of at least 3000 population, has heretofore allowed children of the age of 12 years to work in vacations; this law has been amended ['03 ch.255] to include telegraph and business offices, hotels,

restaurants, apartment houses and delivery and messenger service, and to prohibit vacation work to children under 14 years in cities of the first and second classes (New York city, Buffalo, Rochester, Syracuse, Albany and Troy). In other cities and in villages of 3000 or more inhabitants this class of employment is allowed in the summer vacation to children 12 years old, while in the smaller villages and in towns no restrictions whatever exist on the employment of children in stores, offices, hotels etc. outside of the school term. Finally the new street trades law ['03 ch.151] aims to regulate certain work of children usually carried on outside of school hours, namely, the selling of newspapers; this law forbids boys under 10 years of age and girls under 16 years from selling newspapers in any street or public place of New York city or Buffalo and requires newsboys between 10 and 14 years of age to obtain a permit and badge before selling papers in those cities.

But the attainment of 14 years of age does not alone suffice to permit children to engage in gainful occupations. The school law provides for *all* employments certain educational requirements for children under 16 years of age, namely a full year's attendance at school in the preceding year and ability to read and write and perform the fundamental operations of arithmetic, while in cities of the first and second classes, children aged 14 to 16 years may not be employed unless they have completed the course of the grammar schools, or in case of boys are attending night schools for that purpose.

The enforcement of these requirements would at first glance appear a very simple matter, but, as a matter of fact, official inspectors have almost universally experienced difficulty in securing compliance with the law. The provisions for employment certificates in the factory law and mercantile law of this state have become very complex, and yet these provisions have been evaded by the simple device of perjury committed by parents in swearing to the age of children. A conviction for perjury has been rendered difficult by the judicial ruling that the statement of a mother is to be accepted as conclusive evidence

of the date of her child's birth. The new laws provide that the officer issuing employment certificates to children 14 to 16 years old shall have certain discretionary power and shall no longer be bound to accept the parent's affidavit as sole evidence of a child's age. He must examine and approve (1) the school record of each child as furnished by the teacher, (2) a passport or duly attested transcript of the certificate of birth or baptism or other religious record showing the date and place of birth of such child—which transcript is made conclusive evidence as to age, and (3) parents' affidavit in case no transcript of the birth certificate is filed. The officer must examine the child as to literacy, health etc. and before issuing the certificate must sign and file "a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is 14 years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do."

The amendment to the Penal Code makes it a misdemeanor for any person to make a false statement in relation to an application for an employment certificate.

Aside from these new provisions in the factory and mercantile laws concerning the issuing of employment certificates to children 14 to 16 years old and the addition of several important branches of trade to mercantile establishments, the most important change in those laws is the reduction of the maximum hours of work for children from 10 to 9 a day. The 60 hour week remains for young men between 16 and 18 years of age and all women employees, whom the law permits to work more than 10 hours a day for the purpose of working shorter hours on Saturday. But for children under 16 years of age, the new law not only prescribes a 54 hour week (maximum) but also a flat nine hour day. The main argument for this reduction proceeded from the introduction in the school law of a requirement of attendance at evening schools on the part of boys who had gone into employment before completing their elementary education. Such children, it is held, are physically incapable of accomplishing

results in evening schools after working 10 or more hours in a gainful occupation and must therefore be protected by the law. The principle is similar to that of the half time system provided by English law for younger children.

The complexity of the New York child labor laws illustrates the difficulty of regulating the employment of children in any state of large industrial interests and contrasts strongly with the simple statutes enacted last year in Alabama, Arkansas, North and South Carolina, Texas and Virginia, which simply prescribe that children under 12 years of age shall not be employed in factories save in exceptional cases where they are breadwinners for a widowed mother, disabled father, orphan brothers and sisters, etc. Little, if any, provision has been made in the Southern states for the enforcement of these regulations by factory inspectors, health officers or other public officials which experience has demonstrated to be necessary. Florida, Georgia and Mississippi are still without protective statutes. Though the child labor campaign in Georgia was a vigorous one, the only concession made by the vested interests was a vagrancy law, providing heavy penalties for idle fathers who depend for support on the labor of their children. Such an impractical measure can not long satisfy the conscience of the "Empire State of the South."

The South (Kentucky and Tennessee excepted) in establishing 12 years as the minimum age limit for child laborers is much behind the rest of the country, where the usual standard is 14 years. This standard was adopted by Oregon and Washington in their first statutes last year and accepted also by New Jersey in place of the former limit of 12 years. What with factory and mining and compulsory attendance laws, it may be said that all of the Northern states, except Delaware, aim to keep children out of employment during at least a considerable portion of the year, till they have reached the age of 14 years.

An echo of the coal strike is seen in the Pennsylvania statute advancing the minimum age of employment of boys in coal mines from 14 to 16 years and in the breakers, from 12 to 14 years. Montana submits to the electorate this year a proposed constitutional

organization has been able to establish the eight hour day throughout the greater portion of the bituminous coal fields, though it has only just succeeded in establishing a nine hour day in the anthracite region. In 1903 Arkansas, Missouri, Montana and Nevada enacted eight hour laws for mines etc.

The need of limiting the hours of employment of railway men is even more obvious, for a trainman who has been overworked is in no condition to perform the delicate operations that attend the safe handling of passenger trains. The usual statute on this subject limits the working time of railroad employees to 16 consecutive hours in a 24 hour day, thus allowing them at least 8 hours' rest. Such statutes were enacted in 1903 in Arizona, Arkansas, Indiana and Texas; while Minnesota permits engineers and firemen to work only 14 hours without an interval of 9 hours' rest. Rhode Island alone took a backward step by amending the act of the preceding year, which prohibited the employment of street railway motormen and conductors for more than 10 hours a day within 12 consecutive hours. In direct opposition to Governor Garvin's recommendation, the Legislature amended the law so as to permit agreements between the company and the men, whereby the latter waive their rights. Till the men unite in an organization strong enough to protect an employee who refuses to make this agreement, the Rhode Island law will of course remain a nullity.

These were the only private employments in which American Legislatures in 1903 sought to establish a maximum period of work for adult males. Even in regulating the hours of labor of men employed on public work the authority of the Legislature has in several cases been successfully challenged. In both New York and Ohio such eight hour laws were declared unconstitutional by the highest courts, though the New York decision simply sets aside a provision of the Penal Code which makes it a crime for a contractor on public work to require his employees to work more than eight hours a day. Public authorities are still required by the New York law to insert an eight hour clause in their contracts, which clause can be enforced by the forfeiture of contract

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on the railways and in underground mines, etc. and the
at length recognized the authority of the Legislature to
such protection in the interest of the public health. The
e case was one involving the Utah eight hour law for miners,
after a prolonged legal contest was sustained by the Su-
Court of the United States in 1898. Since then many
rn states have enacted similar eight hour laws for mines,
g and reduction works, etc., while in the East the miners

the liability of employers for negligence resulting in the injury of employees. The Arkansas Legislature took no action, but in the other three states legislation was enacted along the lines recommended, while California, Kansas, North Dakota and South California also passed laws on the subject. Most of these acts relate only to the railway service, but the California statute is a general one making all employers liable not only for "neglect to use ordinary care in the selection of the culpable employee," as heretofore but also in the case of failure to perform a duty which they owe by law to the employee in the way of safeguarding machinery, etc. The Kansas statute amends the law so as to require an injured employee to give the railroad company notice of the injury within 90 days. The Montana act makes railway corporations liable for the negligence of superintendents, train despatchers, telegraph operators, yard masters, conductors, engineers, motormen and other employees who have superintendence of signals, and all owners of mines and smelting works for negligence of a foreman, shift boss, crane man, hoisting or other engineer, and it permits no agreement contrary thereto to stand as a defense. North Dakota provided that railroad companies should be liable for damages done to an employee "in consequence of any negligence of its agents or by any mismanagement of its engineers or other employees," thus broadly limiting the fellow-servant doctrine. No contract restricting such liability is legal or binding. Oregon likewise enacted a statute abrogating in part the fellow-servant doctrine as applied to railroads and limited the maxim of "assumption of the risk" by an employee who continued at work with knowledge of defects in the machinery, ways or appliances. South Carolina imposed on railroad companies having a relief department the obligation to pay to an injured employee or his heirs the amount agreed on, acceptance of which is not to bar the recipient from any right to recover damages for negligence. Wisconsin did not follow the recommendation of Governor LaFollette in favor of substituting the act of 1875 for the present law, but so amended the latter as to secure nearly the same

effect, namely, to abrogate the defense of coemployment with certain qualifications. The Mississippi act of 1898 extending to all *corporations* the liabilities provided in the state Constitution for railroad companies was declared unconstitutional, as denying the equal protection of the laws [Ballard *v.* Miss. Cotton Oil Co. 34 S. 533. [*Summary of Legislation,* 2125]

Strikes, arbitration, blacklisting, boycotts etc. As a natural consequence of the anthracite coal strike, which was undoubtedly the most notable labor dispute in the history of the country, the subject of industrial relations received an unwonted measure of public attention in 1903. About one third of the gubernatorial messages of the year contained some reference to the methods of preventing or adjusting differences between capital and labor. In Illinois, Indiana, Missouri and New York the governors took occasion to commend the work done by the boards of arbitration in the several states. Minor amendments to the arbitration laws in the interest of greater efficiency were recommended by the executives of California, Colorado, Missouri and Wyoming, while the establishment of similar boards was suggested by the governors of Oregon and West Virginia. Only two governors recommended anything like compulsory arbitration, but these were the chief magistrates of the two leading industrial commonwealths of the nation. Governor Odell expressed his belief "that wherever the necessaries of life are involved in dispute between employer and employee power should be conferred on those affected to apply to the courts for relief and that no power should be possessed by either capital or labor to deprive the people of that which is necessary for their welfare, but that ample authority should be lodged in the judiciary to properly enforce its mandates and that such disputes whenever they arise should not be permitted to interfere with those rights which are paramount and necessary for the well-being of the people." Governor Stone of Pennsylvania declared that in his "judgment a compulsory arbitration law could and should be passed for the settlement of difficulties between employer and employee."

Bills along the lines of these suggestions were introduced in

the Legislature of New York and other states but were not advanced, and such legislation as was accomplished was not particularly important. Missouri conferred on its commission large power in the examination of witnesses and Colorado strengthened its law in the same way, while Michigan required local authorities to inform the state board of the existence of industrial disputes within their jurisdiction. Washington conferred on the labor commissioner authority to intervene as a mediator in labor disputes and provided that parties to such disputes who refuse to submit to arbitration must publish a sworn statement of matters in dispute and reasons for refusal.

These enactments make it clear that the public is not yet ready for any radical steps toward compulsory arbitration. The fact is that the people are becoming more and more disposed to look on the method of collective bargaining with its resulting trade agreements and joint committees or conciliation boards of employers and employees as the most likely solution of the strike problem. The success of this method of preventing strikes has been so noteworthy in the vast transportation business of the country in the past decade, and very lately in the printing, coal mining, stove foundry and other businesses, that public opinion, as read in the findings of governmental boards of arbitration and investigating commissions, has invariably concentrated on this method of industrial peace. Such was the conclusion reached by the United States Industrial Commission after a most exhaustive investigation, and such was the method actually adopted and put into practice by the Anthracite Coal Strike Commission as the one really effective piece of machinery for preventing coal famines in the future. The policy of trade agreements found its most vigorous exponent in the late Senator Hanna, one of the master spirits of the National Civic Federation which stands for the right of workingmen to have their interests safeguarded by representatives of their own selection acting on equal footing with the representatives of employers in the formation of the scale of wages, schedule of hours and other conditions of employment.

The increase of general confidence in this method of industrial peace is reflected in recent legislation on the subject of strikes, which has had for its principal aim the removal of obstacles to the process of collective bargaining. The great hindrance to the progress of the movement has been the reluctance of some employers to recognize the union as embodying legitimate demands of their employees and their consequent readiness to disrupt the organization by discharging and blacklisting its leaders. It is of course difficult to control such a matter as the dismissal of employees for any particular reason, but most of the states of the union have nevertheless attempted to prevent the coercion of workingmen in their exercise of the suffrage by making it unlawful for an employer not only to threaten to discharge employees for voting contrary to his wishes but even to threaten a shut-down for the purpose of influencing their vote. Similarly, legislation now seeks to prevent coercion of workingmen by their employers with respect to membership in labor organizations.[1] While such statutes have been held unconstitutional in many states, other states are all the time renewing them. In 1903, for example, Kansas, Nevada and Oregon made it a misdemeanor to make membership in a labor union a bar to employment. Oregon also provided a penalty for blacklisting, and Minnesota a penalty for making participation in a strike a bar to employment. In California the right of workingmen to combine in unions and strike was guaranteed by a statute which provides that an agreement between employer or employees to perform an act, which if performed by an individual would be legal, is not to be deemed conspiracy.

A very considerable movement is noticeable to stop the importation of outside workmen by employers concealing the exist-

[1] In this connection reference may be made to the statute enacted in Colorado which makes unlawful the discharge of an employee between the ages of 18 and 60 solely on the ground of age. This attempt to provide employment for all men, by law, is an interesting indication of an existing tendency to employ only vigorous workmen where the rate of wages has been fixed at a point too high for the older men to turn out the necessary product, but if sustained in the courts its enforcement will be extremely difficult ['03 ch.137].

ence of a strike among their own workmen. A Colorado court not long since awarded damages to a workman who had been thus deceived, and last year California made misrepresentation of that character a penal offense, while Montana and Oregon provided both civil and criminal penalties therefor. In an act prescribing written contracts of employment in cases requiring workmen to move away from home, Michigan also made misrepresentation of the conditions of work a penal offense.

The Illinois act of 1899 creating free employment bureaus was declared unconstitutional on account of the provision that they should not supply names of unemployed workmen to employers whose employees were on strike. The law was immediately reenacted with the objectionable clause eliminated.

The only act of 1903 aimed at boycotting was the New York statute [ch.349] which prohibits discrimination against national guardsmen relative to employment and forbids labor organizations to discriminate against members who are militiamen. [*Summary of Legislation,* 2134]

FACTORY REGULATIONS

ORACE G. WADLIN, LIBRARIAN BOSTON PUBLIC LIBRARY (FORMERLY CHIEF MASSACHUSETTS BUREAU OF STATISTICS OF LABOR)

Governors messages

References in executive messages to the subject of factory and orkshop regulations during 1903 include the following: The ıspection of factories was considered by Governors Yates of Illiois, McMillan of Tennessee and White of West Virginia. In hode Island Governor Garvin suggested the appointment of inpectors sufficiently in sympathy with working people to insure ficient execution of the laws. Matters relating to mine inspecon or the need of specific protective legislation in respect to ıe operation of mines, were referred to by Governors Orman f Colorado, Durbin of Indiana, Toole of Montana, Herreid f South Dakota, McMillin of Tennessee, Wells of Utah, /hite of West Virginia, and Richards of Wyoming. Presient Roosevelt recommended additional legislation on the part of ongress to promote the safety of railway employees in the Dis·ict of Columbia. For exact references to these messages with ıcerpts from the more important see *Governors Messages,* 2044.

Legislation

Inspection. General factory regulations. The legislation of the ɜar is mainly confined to perfecting existing statutes in points ıown by experience to be weak, or to recasting the somewhat ·ude phraseology of such statutes. Nothing appears that is new ı principle, or which seems to carry to wider issues principles ready recognized.

In Connecticut ['03 ch.97] the law relating to factory inspection as amended, and now requires a state inspector, to be appointed ɾ the governor for a term of four years, at an annual salary of ?500 with provision for the payment of necessary expenses. The ıspector may appoint deputies at $5 a day within a limit of $7000 ınnually for their salaries and expenses. The factory inspector's

duties cover the examination of elevators wherever located and the enforcement of the use on elevators and hatchways of such safety devices as will fully safeguard the public.

In Oregon ['03 p.205] a department of inspection of factories and workshops has been established (in conjunction with the Bureau of Labor Statistics) the first commissioner to be appointed by the governor and to serve till July 1906, and his successors to be chosen thereafter in the general elections for four year terms.

Amendments of more or less importance to the existing inspection laws include: in Illinois ['03 p.193] salary increases for the factory inspector, the assistant inspector and members of the force, and the provision of six additional male and two female inspectors with other modifications generally strengthening the act, specially with reference to the control of "sweat shops" so called; in Michigan ['03 ch.46] the repeal of the clause exempting canning factories and evaporation works from the operation of the factory inspection act, and ['03 ch.193] provisions for lighting, heating and ventilating basement rooms when emery wheels, buffers or belts are used therein; in Missouri ['03 ch.218] the requirement of factory inspection at least twice in each year in cities of over 30,000 population; in New Jersey ['03 ch.66] the giving to the governor full power to appoint and control the factory inspector, thus eliminating the consent of the Senate; in Pennsylvania ['03 ch.50] salary increases for the inspection force and the provision of 12 additional deputies; in Connecticut ['03 ch.53] the provision of a penalty in connection with the statutory prohibition against the use of stained, painted or corrugated glass in factory windows; and in California ['03 ch.12] the prescribing that the number of seats which by law must be provided for female employees shall be at least equal to one third of the number of such employees.

In Kansas ['03 ch.356] and in Washington ['03 ch.37] new statutes provide for the protection of employees in manufacturing establishments from dangerous machinery and unsafe elevators. The Kansas statute also covers fire escapes, and in Washington the ventilation of workrooms in which machinery is used is

required. In Kansas no penalty clause is included. In Michigan ['03 ch.87] the burden of carrying out improvements or changes required by factory inspectors is placed explicitly on the owner of the premises unless a nonresident, in which case the tenant is made responsible. In Wisconsin ['03 ch.323] the sanitary welfare of employees is safeguarded by requiring under penalty water-closets, ventilation etc. in connection with work places, and separate dressing rooms for the sexes are also required whenever the employment is such that a change of clothing is necessary before leaving the work place at the end of the day's work. In Massachusetts the general code of factory regulations, previously quite complete, has been expanded by an act ['03 ch.475] requiring the use of fans or blowers in shops in which emery wheels or belts, or buffing wheels or belts, injurious to the health of the employees are used, except grinding machines on which water is used at the point of grinding contact. The act does not apply to solid emery wheels used in woodworking, nor to emery wheels 6 inches or under in diameter used in establishments where the principal business is not emery grinding. A new statute in Nevada ['03 ch.13] provides against the use of dangerous collars, sleeves or pulleys on shafts or shafting machinery.

Bakeries. The baking industry, already the subject of legislative attention in several states has during the year been brought under statutory regulation in others. New laws having this purpose have been enacted in Washington ['03 ch.136] and Wisconsin ['03 ch.230]. In general, these prohibit the use of cellars or basements as bakeries, provide for proper ventilation, drainage and sanitation, and require the separation of sleeping rooms from the places wherein flour or meal products are manufactured or stored. In New Jersey an amendment to the existing statute broadens the act so as to include confectionery establishments, and provides for investigation on complaint of employees or representatives of labor unions in the county wherein the establishment is located.

Building trades. For the better protection of workmen on buildings California by an amendment ['03 ch.193] to its Penal

Code makes it a misdemeanor to furnish or erect unsafe scaffolding or mechanical appliances to be used in building construction, or to hinder the inspection of the same by the proper officers, or to remove notices posted thereon by such officers. In Indiana it is provided ['03 ch.78] that temporary floors must be maintained during the construction of buildings three stories or more in hight, and that shafts of hoisting machines through the floors must be guarded. In Minnesota, also, ['03 ch.397] guards must be provided on each floor around the shafts of hoisting apparatus used in building construction.

Mines. In some instances the statutes relating to the protection of miners have been amended, the more important changes being as follows:

In Colorado ['03 ch.145] there are to be three instead of two metalliferous mining districts, with inspectors for each. In Illinois ['03 p.250] a hoisting engineer is substituted for the mining engineer formerly required as one of the Mining Board of Examiners, and one of the coal operators required on the board must hereafter be an expert mining engineer. In this state, also, ['03 p.250] trappers may now be dispensed with if the doors through which cars are hauled are fitted to open and close automatically; and ['03 p.252] washrooms are to be provided for miners.

In Montana ['03 ch.98] the mine inspection law has been strengthened and perfected in regard to administrative details. In Wyoming ['03 ch.23] two mining inspectors are to be appointed instead of a single inspector and the state is divided into two inspection districts.

In Colorado the code for regulating metalliferous mining has been revised and, as reenacted ['03 ch.144], is perfected in various administrative details, specially with reference to inspection, the use of safety appliances, etc.

Missouri ['03 p.242] has created a state examining board for mines, and provided regulations as to the practical and technical qualifications of mine managers, foremen, hoisting engineers etc. Pennsylvania ['03 ch.137] has established a state department of

mines to have general charge of the execution of the mining laws, the chief to be appointed by the governor for a four year term, and the statute provides for a complete system of inspection and reports. Tennessee ['03 ch.237] has a complete new mining code, superseding all previous laws on the subject, creating a chief inspector with district inspectors in place of inspection by the commissioner of labor statistics and mines, and providing for a reorganized Board of Examiners of Mine Foremen; the use of safety appliances, the ventilation of mines, etc.

In Wyoming it is provided ['03 ch.35] that the state geologist shall act as inspector of metalliferous mines with definitely stated powers and duties, and a code of signals may be enforced in such mines in connection with the use of hoisting machinery. The employment as hoisting engineers of minors or persons addicted to the use of intoxicating liquors is prohibited.

In Wyoming ['03 ch.6] the construction of cut-offs in crosscuts in coal mines is definitely regulated, safety cables required for trains of coal cars in mines (familiarly known as "mantraps"), the speed of such trains limited, and provision made for the enforcement of the act by the state mine inspector.

In Montana ['03 ch.82] stoping is forbidden within 25 feet of any mining shaft, the speed of cages used for raising and lowering men is limited, and it is made unlawful to maintain a nonfireproof blacksmith's shop or drying room within 50 feet of the mouth of a tunnel or shaft.

In Texas ['03 ch.76] at least two openings must hereafter be provided in any mine under operation in connection with each stratum or seam of coal, and the escapement shafts must have safe and available appliances for exit in case of accident.

In Illinois ['03 p.252], Missouri ['03 p.247] and Utah ['03 ch. 12] the use and storage of explosives in mines is more completely regulated.

In South Dakota ['03 ch.181] mines are required to adopt a specified and uniform code of signals in connection with the use of hoisting apparatus, and ['03 ch.179] ladderways are required separate from the cage runs in mining shafts 50 feet or more in

depth, containing two or more compartments, and platform landings must be provided at every 12 feet.

In Montana the Legislature by resolution ['03 p.347] recommended that the governor request the governors of the different western states in which the mining industry is important, to confer for the purpose of formulating a uniform system or code of mine signals, a copy of their deliberations at such conference to be submitted to the Western Federation of Miners in convention at Denver in May 1903.

Street railway employees. In Illinois ['03 p.289] street railway companies are required to provide vestibules or screens on their cars to protect motormen during the months of November to March inclusive, in each year. In New York ['03 ch.325] similar protection is required after Dec. 1, 1904, except in the boroughs of Manhattan and Brooklyn in the city of New York, during the months December to March inclusive. When the cars are operated wholly in cities, however, the act goes into effect at progressive dates in order to permit the equipment of the cars. In Texas ['03 ch.112] screens or vestibules must be used from Nov. 15 to Mar. 15, and in Virginia ['03 ch.218] from Nov. 1 to May 1, instead of till Ap. 1, as formerly.

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Charities Robert W. Hebberd
Children Walter S. Ufford

CHARITIES

'. HEBBERD, SECRETARY NEW YORK STATE BOARD OF CHARITIES

neral trend of charity legislation is still in the direction ser supervision or control of public charities, while at time the movement to extend the scope and modify the public relief-giving continues to be noticeable. These es are illustrated by the creation of a state board of chari- corrections in California, where the subject has long been ['03 ch.363]; by the movements on foot in several states better provision for the care of the adult blind, now com- upported in almshouses, and for crippled and deformed ; and by changes in the names of institutions whereby he stigma is removed and entrance is made less odious.

time it was thought that the central board of control ich has been more or less popular in some parts of the ight spread throughout the entire country, but the new a board is not a board of control, but one with limited ory powers, and legislation to create a board of control in vas defeated at the last session of the Legislature. The ndations of the governors of Colorado and Nebraska in ssages to the Legislature that central boards of control d to replace central supervisory boards did not result in legislative enactment. In several states efforts are de to establish supervisory boards.

ents to modify the terms of relief-giving have been con- under way for many years, obstructed now and then, it ut on the whole making great progress. Nowhere, per- this better shown than in the changes that have taken the provisions of the general poor law of New York.

Less than a hundred years ago this statute provided that strangers for whom security was not given might be forcibly removed to their place of legal settlement, while if they returned after such removal they were subject to severe punishment at the whipping post. The poor law of the present day humanely, and doubtless more economically, provides that the poor shall be relieved wherever they suffer want, and that their place of legal settlement within the state can be required to meet the necessary cost of such assistance.

While there is no abatement in establishing, enlarging and equipping state charitable and reformatory institutions the supply seldom appears to equal the demand. This is particularly true of institutions for the insane, the feeble-minded and the epileptic, who are everywhere increasing in a ratio entirely out of proportion to the increase of population, while on the other hand most other dependents show a relative decrease in number. During 1903 legislation was enacted providing for establishing 15 different state institutions in 12 states. These include a hospital for the insane, institutions for the feeble-minded, reform schools, an institution for the adult blind, a school for the blind, sanatoriums for consumptives, general hospitals, homes for miners, a home for orphans, and an institution for the treatment of hydrophobia.

In New York and Massachusetts commissions were provided to investigate the condition of the adult blind and to recommend measures for their relief [N. Y. '03 ch.539; Mass. '03 r.74]; in Connecticut the governor was authorized to appoint a reformatory commission to investigate the subject of commitments and to select a site and prepare plans for a reformatory for men ['03 ch.180]; in Massachusetts the State Board of Charity was instructed to investigate the cases of persons under the age of 21 who were unable to attend school because of deformity ['03 r.96]; in New Jersey the governor was authorized to appoint a commission to investigate and report on the advisability of establishing a reformatory for women ['03 p.523]; in Ohio the governor was empowered to appoint a commission to investigate the feasibility of providing institutions for deformed children ['03 extra session, p.19]; and the governors of Vermont and Wisconsin were each

horized to appoint a commission to investigate and report on establishment of a sanatorium for consumptives [Vt. '03 116; Wis. '03 p.776].

General. The Indiana boards of county commissioners seem to ve found it necessary, or at least desirable, to secure legisla- n to protect them from the influence of the dead hand in arity ['03 ch.144]. This enactment provides that where prop- y or money has been given, devised or bequeathed in trust to the ard of county commissioners of any county for the purpose of ablishing and maintaining a home for indigent women, worthy or or orphan children, and the board shall find the amount in- equate without an additional appropriation from the county d that the county will receive no substantial benefit, the board all relinquish the trust, and the property shall vest in the legal irs of the donor according to the laws of descent. It also ap- ars that this somewhat peculiar statute was enacted as an mergency" measure to take effect immediately.

The effort to secure better records of the dependent classes is cessarily a continuous one. In Missouri provision is made for cording in each county the names and other particulars relating persons sent from the county to state hospitals for the insane, form or industrial schools, or other eleemosynary institutions 03 p.204]. By an amendment to the Montana law school district erks are required, subject to a penalty for neglect, to report to e county superintendent of schools by Sep. 20 of each year mes and other details with relation to deaf, blind or feeble- inded persons between the ages of 5 and 21 years, and the county perintendent of schools is required to report the names, ages d addresses of all such persons to the superintendent of the hool for the Deaf and the Blind at Boulder ['03 ch.25].

State boards and officers. In California a state board of charities d corrections was provided ['03 ch.363]. This board, which con- sts of the governor and six members, is of the supervisory class milar to the boards of New York, Ohio, Michigan, Indiana and her states. Its chief duties are to inspect state and local aritable and correctional institutions and to report biennially ereon to the governor. The board's annual appropriation is

limited by law to $6000. The members of the Board of Charities and Corrections of South Dakota were reduced from five to three in number and each allowed a salary of $1500 a year, in place of the $3 a day formerly paid to them. They are now required to inspect the state charitable and correctional institutions once a month instead of annually as previously provided ['03 ch.86]. The salary of the secretary of the State Board of Charities of Connecticut was increased from $1500 to $1800 ['03 ch.172].

Local boards and officers. In Connecticut the town overseers of the poor were required to make their annual returns in September instead of October as formerly ['03 ch.49]. In Pennsylvania women in boroughs and townships were made eligible to the position of overseer of the poor ['03 ch.182], which seems a desirable innovation, and the salaries of directors of the poor in a district over 70,000 lying in more than one county were placed at $500 ['03 ch.220].

Private charities. The Legislature of North Dakota passed an interesting and novel act ['03 ch.39] making it unlawful to collect moneys for charitable purposes without a license from the state examiner till such time as a state board of charities shall have been established, when such license may be issued by the secretary thereof. Sisters of Charity, members of the Salvation Army, and deaconesses who wear a distinct garb are exempted, however, from the provisions of the act. While such an act may seem a desirable exercise of legislative function its practicability and legality are alike doubtful.

Poor relief. The Legislature of Illinois generously appropriated $5000 ['03 p.82] for the relief of destitute families in Sweden and Finland and the Legislature of Nebraska $2000 for similar relief in Sweden, Norway and Finland ['03 ch.143].

In Kansas the county commissioners were authorized ['03 ch.43] to grant relief in case of great loss of life or damage to property and empowered to issue county warrants to 1% of taxable property and to levy special tax.

In Pennsylvania, chapter 266 of 1893, providing for the support of the needy, sick or injured and the burial of indigent persons

was declared unconstitutional because the subject was not included in the title [Dailey *v.* Potter County, 53 A. 498].

Support and settlement. Changes of minor importance were made in the support and settlement laws of seven states. These laws are subject to constant change, to meet varying local views or needs, with the tendency to cast on the state itself the support of the vagrant or wandering poor.

In Connecticut the state comptroller is authorized to contract with any town for the support of state paupers on such terms as he may deem expedient ['03 ch.80], and it is also provided that state paupers shall be chargeable to the town in which they have last had a residence for six months ['03 ch.124].

In Maine provision for the support of state poor at the expense of the state is extended to cover cases needing immediate relief who are brought from adjoining localities to any town obliged by law to care for and furnish relief to such persons ['03 ch.148].

The Massachusetts statutes with relation to state paupers are amended so as to provide for the removal by court order of state paupers to the State Hospital or other state institutions ['03 ch. 355]. Provision is also made for their removal to their places of legal settlement or to friends ['03 ch.231].

In New Hampshire provision is made for the recovery from the estate of any person for pauper aid given by any town or county within six years preceding the death of such person ['03 ch.42].

Minor changes are also made in the settlement laws of Michigan ['03 ch.59], Minnesota ['03 ch.298] and New Hampshire ['03 ch. 67, 106, 110].

Homes for aged. Provision was made for establishing the Miners Home of Pennsylvania ['03 ch.184]. The act provides for establishing and supporting this home with the cooperation of the mine operators of the state. The beneficiaries of the home are to be citizens of Pennsylvania who have worked in and about the coal mines of the state for 25 years and are 60 years of age, those who have been injured at the mines or have contracted "miner's asthma," and the wives of miners eligible to the home who are 55 years of age.

Poorhouses. The cities and towns of Colorado were empowered to establish orphanages, dormitories or other suitable places of relief for persons in sickness or distress through poverty ['03 ch. 173]. In New Jersey the authorities of any city were authorized to sell at public auction lands owned by the city and used as a poor farm, and to use the proceeds in the erection of a poorhouse on other lands owned by the city ['03 ch.134].

Sick and disabled. It is evident that the desirable extension of public and private hospital facilities throughout the country still continues. The Legislature of Connecticut, following the example of New York ['99 ch.368] enacted a law providing that any person obtaining medical or surgical treatment from a dispensary on false pretenses shall be fined not more than $50 ['03 ch.27].

A miners hospital was established in New Mexico ['03 ch.2] and in West Virginia an amendment to the law relating to miners hospitals ['99 ch.57] provides that persons requiring hospital care may be admitted to such institutions, though preference is at all times to be given to those accidentally injured ['03 ch.51].

In Indiana a statute authorizing the establishment of hospitals by county commissioners has been enacted which seems well calculated to confound public and private interests to a great extent. Briefly stated this statute provides for establishing hospitals by the boards of county commissioners and authorizes them to receive from hospital associations, grounds and equipment for the location and furnishing of a hospital, to be under the control of a board composed of the county commissioners and of representatives of the hospital association and other private citizens appointed by the judge of the Circuit Court of the county ['03 ch.86].

In New Jersey, cities are authorized to construct hospitals ['03 ch.125], and boards of chosen freeholders to erect and maintain hospitals for contagious diseases ['03 ch.155]. The cities in Pennsylvania having a population from 100,000 to 1,000,000 are empowered to purchase land outside the city limits for hospital purposes ['03 ch.33]. In Utah and Virginia the location of contagious disease hospitals is regulated [U. '03 ch.36; Va. '03 ch.92,

296]. In California the right to receive a bequest without express authority of statute is extended to corporations formed for hospital purposes ['03 ch.223]. The Legislature of Tennessee enacted a comprehensive statute providing for organizing charitable hospitals for the care and treatment of women only ['03 ch.45].

Stringent provisions, such as have been found necessary in other states, for overseeing and controlling maternity hospitals were enacted in California and Wisconsin [Cal. '03 ch.239; Wis. '03 ch.161].

Deaf and dumb. In Illinois, Montana, North Dakota and Virginia the names of institutions for the deaf and dumb were changed to indicate more clearly their scholastic character [Ill. '03 p.93; Mon. '03 ch.10; N. D. '03 ch.2; Va. '03 ch.26]. In North Dakota the Legislature has submitted to vote in November 1904 an amendment to the Constitution, changing the name of the Deaf and Dumb Asylum, to School for Deaf and Dumb of North Dakota ['03 p.295].

The New York Legislature believing that the education of the deaf and the blind should be held paramount to financial considerations reduced the period of residence necessary to be eligible to appointment as state pupil in the schools for the deaf and the blind from three years to one year ['03 ch.62].

Blind. The appointment of commissioners to investigate the condition of the adult blind was authorized in Massachusetts and New York [Mass. '03 ch.74; N. Y. '03 ch.576]. Those interested in this movement hope it will result in the establishment of industrial training and occupation for the adult blind. In Connecticut the Legislature provided that trade implements shall be furnished to all adult blind persons, legal residents, having received industrial training in any state institution ['03 ch.62]. These were formerly given only to those having completed a three year course of study. A pension of $150 a year was provided for adult blind persons in Illinois with income not to exceed $250 a year ['03 p. 138]. Tennessee made an appropriation of $5000 for the King's Daughters Home for Blind Girls conditioned on the donation of a site.

DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN[1]

WALTER S. UFFORD PH. D. GENERAL SECRETARY ASSOCIATION FOR IMPROVEMENT OF CONDITION OF POOR AND CHARITY ORGANIZATION SOCIETY OF BALTIMORE

From a review of the following legislation respecting the care and treatment of dependent, neglected and delinquent children certain tendencies appear to be well defined. The chief of these is the rapid and wide extension of juvenile courts and probation officers for children. In many of the commonwealths this class of legislation has been a matter of gradual adoption, having been first applied to the larger cities or counties of the state.

The probation system, including the two features of juvenile courts and accredited probation officers now finds its expression either in whole or in part in at least 13 of our commonwealths. Where most nearly perfected the system provides for detaining children awaiting examination apart from criminals, for trials in separate or specially provided courts and parole on probation under the supervision of discreet and duly accredited persons. Furthermore, as in Colorado, parents or other guardians are held responsible for acts contributory to the delinquency of the child. The system where most fully developed carries with it commitment of children found to be incorrigible to reform schools where they may receive industrial and manual training, instead of confinement in jails and penitentiaries.

California. "An act defining and providing for the control, protection and treatment of dependent and delinquent children" was adopted by California ['03 ch.43]. This act is similar to the general scheme of legislation for child protection as illustrated in the earlier statute of Illinois. The definition of "dependent child" includes what is elsewhere commonly embraced under the definition of neglect. A "delinquent child" is any child under 16 who violates any law of the state or any local ordinance. The commitment of a child under 12 years of age to a jail, prison or

[1] *See also* Governors Messages and Summary of Legislation, 371, 2472.

police station is forbidden. The Superior Court may appoint a board to investigate societies, associations and corporations receiving children under the act, said board to report to the court from time to time. The last section of the statute, following the example of earlier legislation in other states, provides for a liberal construction of the act, "that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family home, with people of the same religious belief, and become a member of the family by legal adoption or otherwise."

Colorado. Chapter 85 creates a juvenile court with probation officers for delinquent children. The definition of delinquency is sufficiently broad to cover many instances of neglect. Probation officers to be compensated from the public treasury are provided for at salaries in the larger counties ranging from $1200 to $1500. "All institutions or associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the State Board of Charities and Corrections as are public charitable institutions of this state." Regular reports are required. The purpose of the act is declared in part to be "that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance." "An act to confer original jurisdiction upon county courts in all criminal cases against minors" ['03 ch.86] provides that "all minors found guilty in the County Court of any violation of any law of this state, or of any crime, may be subjected by such court to any of the terms and conditions of the probation system provided for in cases of delinquent children by the statute of this state." Under the statute execution of sentence may be stayed in the case of any minor above the age of 16, provided the good behavior and satisfactory conduct of such minor meet the conditions prescribed by the court. Colorado has gone further than other states in carrying out the principle of the probation system by the passage of "an act to provide for the punishment of persons responsible for

or contributing to the delinquency of children" ['03 ch.94]. Any person "responsible for, or by any act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed $1000 or imprisoned in the county jail for a period not exceeding one year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such persons shall comply therewith to the satisfaction of the court the sentence imposed may be suspended." The fees for district attorneys in cases against juvenile delinquents are closely defined ['03 ch.108]. Delinquent children charged with the same offense are to be joined in one information. Furthermore, Colorado ['03 ch.164] extends the definition of juvenile disorderly persons to include habitual truants from 8 to 16 instead of 8 to 14 as formerly, and to those wandering about the streets at night. Certain exceptions are made in favor of children over 14 years of age. Complaints may be preferred by any school teacher or any reputable person and commitments may be to a reformatory till majority, instead of as formerly to 16 years of age.

Indiana. Chapter 237 provides that in counties containing a city of 100,000 there shall be a special court to be known as the Juvenile Court having jurisdiction in all cases relating to children, including juvenile delinquents, truants, children petitioned for by boards of children's guardians and all other cases where the custody or legal punishment of children is in question, but said court shall not have probate jurisdiction. The judge of the Juvenile Court shall be elected by voters of the county and shall receive a salary of $2500. In counties that do not contain a city of 100,000 the judge of the Circuit Court shall be the judge of the Juvenile Court. All trials of children affected by the act are to be held in chambers or the Juvenile Court room. Probation officers are to report their disposition of children to the judge of the Juvenile Court and also to the Board of State Charities, and unless excused by the court are to visit every child in their care at least twice a year. All institutions in the state devoted to the

care of dependent, neglected and orphan children whether supported in whole or in part by public funds or receiving no public aid, shall be visited and inspected by the Board of State Charities and all associations of this class seeking incorporation require the approval of said board.

Michigan. Chapter 221 provides that in case of children sentence may be suspended and the child placed on probation in charge of county agent or some discreet person receiving no salary from the public treasury.

Minnesota. Chapter 387 requires the isolation of juveniles charged with crime apart from adults so charged, and also isolation at their trial from idle public gaze. The act applies to cities of 50,000 inhabitants. No child under 14 is to be committed to a jail or police station pending trial, and at the hearing of minors under 16 charged with crime the courtroom shall be cleared.

Missouri. An act ['03 p.213] extends the Juvenile Court and probation system to counties of 150,000 (formerly cities of 350,000). The court in place of the Board of Charities as formerly shall appoint a probation officer at a salary of $1000. No child under 16 is to be detained in jail or police station. Institutions receiving children are to report to the Board of Charities. This statute repeals the act of Mar. 26, 1901 entitled "an act to establish a probation system for juvenile delinquents in certain cities."

New Jersey. Chapter 219 establishes a court for the trial of juvenile offenders and defines its duties and powers. The judge of the Court of Common Pleas of each county "shall constitute a court for the trial of juvenile offenders in and for such county." The statute contains the usual provisions for committing juvenile delinquents to institutional care or for suspending sentence and placing the offender under the supervision of a probation officer.

New York. Chapter 331 requires that "all cases involving the commitment or trial of children actually or apparently under the age of 16 years, for any violation of law, in any court shall be heard and determined by such court, at suitable times to be designated therefor by it, separate and apart from the trial of other

... separate docket and record shall ... so far as practicable, be heard and ... courtroom to be known as the children's ... exclusively for the ... trial of ... under the age of ... charged ... 159 provides for ... and ... in the borough of ...

... provides that no ... or ... any child under the ... of ... years ... purpose of correction, ... such commitment shall be ... to the ... of the county. It is made the duty of ... sioners [03 ch. 98] to provide separate ... exclusively for children under the age of 16 ... of 1901 regulating the ... and ... and delinquent children is repealed. ... 205] a new statute is enacted under ... Sessions of the Peace with the ... shall have and possess full ... ... which may be brought before ... control of dependent, neglected ... children, under the age of 16 years" ... be lawful to commit the custody of ... child who is delinquent, to any ... ution in which delinquent children ... delinquent child be committed to any ... or neglected children are received." ... 359, amending '01 ch. 90 relative to ... visions of the earlier act to ... and extend the definition of what ... by providing that "where a ... disorderly person shall be ... conviction in a juvenile court ... other court."

... made in previous numbers ... on of the principle of state

ervision for associations and institutions caring for depend-
, neglected and delinquent children. In some states this su-
vision is exercised by state boards of charities or boards of
ıtrol; in others, as in New Jersey, by a board of children's
ardians. In several states county visitors or county boards
ercise the duties of visitation and inspection. Annual reports
ɔm these associations or institutions to the supervising bodies
e generally required. In several of the statutes establishing
ildren's courts with probation officers, state supervision of chil-
en's associations and institutions is also provided. Pennsyl-
nia ['03 ch.7] provides for boards of visitation for children's
stitutions in each county to consist of six or more citizens serv-
g without compensation who are to visit at least annually all
stitutions, societies and associations caring for dependent, neg-
cted and delinquent children. At least two of the members of
e board are to visit together and make a joint report. An an-
ıal report to the Board of Public Charities is required and com-
ensation for actual necessary expenses allowed. Moreover Penn-
lvania ['03 ch.12] provides "that the institutions, associations,
ıd societies, into whose care the custody of delinquent, neglected
dependent children may be committed by order of the courts of
ıis commonwealth, shall be subject to the same visitation, inspec-
ons, and supervision of the Board of Public Charities as the pub-
c charitable institutions of this state." Reports from all such
ganizations are required including statistics of population and
tailed statement of receipts and disbursements. Stringent reg-
ations regarding the care of infants and young children have
en adopted in many states. California ['03 ch.239] makes it a
isdemeanor to maintain an asylum for children without license
om the county board of health or health officers and provides
ɔr the inspection of this class of institutions. Wisconsin ['03
ı.161] requires of all persons or corporations maintaining insti-
ıtions for infant children, such as maternity homes or lying-in
ɔspitals or so called baby farms, that before receiving inmates a
port in writing shall be made to the health authorities and all
ıch institutions shall be open to public inspection. Arrival and

removal of children and births are to be reported within 24 hours. Utah ['03 ch.124] places on boards of county commissioners the duty of visitation, inspection and supervision of societies or associations for the protection and care of children. A section of the law also opens the way for the appointment of probation officers to represent the interests of children at court hearings.

Care of defective children. Current legislation gives increasing attention to the care of crippled, deformed or otherwise defective children. Connecticut ['03 ch.51] adopted "an act relating to the commitment and support of poor children of sound mind who are cripples or who are afflicted with any noncontagious incurable disease" to the home for incurables maintained by the Connecticut Children's Aid Society. The rate of $2.50 a week for the care of such children is named. Massachusetts ['03 r.96] directs the State Board of Charity "to make as practical an investigation as possible as to the number of crippled and deformed persons in the commonwealth under 21 years of age who are not able to attend the public schools by reason of their physical deformity." The board is to report to the next Legislature. Ohio ['03 p.19] adopted "an act to provide a state commission to report on feasibility and desirability of the state's caring for, treating and educating crippled and deformed children." The commission is to consist of five members who are to report to the governor not later than Dec. 1, 1903. $1000 is appropriated for the expenses of the commission. Rhode Island ['03 ch.1048] increased the annual appropriation for the education of defective children.

Curfew law. Utah ['03 ch.89] forbids the presence of children under 14 years of age on the street after 9 o'clock at night unless accompanied by legal guardians, or in performance of an errand at the behest of such guardians, or their employment makes it necessary. Children arrested under the act before being placed in confinement are to be taken home to ascertain the parents' wishes. It is made the duty of public authorities to arrange for some proper curfew signal.

Importation of dependent children. North Dakota ['03 ch.79] and South Dakota ['03 ch.89] follow the example of other com-

nwealths in adopting acts regulating the importation of de-
ndent children.

Résumé. Many states made further provision for caring for and
otecting children either through original statutes or amend-
ents to existing laws, the whole tendency of legislation as be-
re indicated being to increase the responsibility of legal guardi-
s in the first instance, and where such responsibility breaks
wn to provide for the exercise of state protection with the pur-
se as expressed in certain of the probation laws already quoted
t dependent, neglected and delinquent children may receive the
efit of training under conditions akin to normal family life.
or delinquent and incorrigible children subject to institutional
ervision there is a growing tendency to provide more thorough
ssification including training and treatment adapted to the in-
idual needs of such children.

The Insane T. E. McGarr
Feeble-minded and Epileptic J. C. Carson

THE INSANE

T. E. MCGARR, SECRETARY NEW YORK STATE COMMISSION IN LUNACY

General. California ['03 ch.364] revises its legislation relating to the State Commission in Lunacy. The commission is to consist of five members: the general superintendent of the state hospitals, the secretary of the State Board of Health, and the three members of the State Board of Examiners. The general superintendent of state hospitals receives $4000 a year and expenses; he is required to visit each state hospital twice a year, making a comprehensive examination of wards, grounds and buildings generally. Each hospital is to retain its board of five managers or trustees, holding office for four years, excepting the first appointees whose terms of office vary from two to four years. The commitment, admission and treatment of patients is to be carefully inspected by the State Commission in Lunacy. Careful provision is made as to the licensing and inspection of private institutions for the insane by the commission and penalties are prescribed for violation of this section.

Governor Pardee commends the commission for its wise exercise of the power of administration formerly vested in local boards of trustees, particularly in the direction of unifying the system, stimulating improvement and equalizing conditions. He also recommends separating the criminal insane and those insane criminals who are afflicted with tuberculosis and other infectious diseases. Referring to the management of state institutions for the insane he says "Appointments and removals for political reasons should under no circumstances be made."

Michigan ['03 ch.217] revises and consolidates the laws relating to the insane and the care and management of asylums. The management of hospitals is vested as formerly in boards of trustees. These boards meet jointly twice a year at the different asylums and have power to transfer, with the advice and consent of the medical superintendents, patients from one asylum to another. The admirable provision of §36, namely, "after sufficient room shall have been provided in the asylums for all public patients it shall be unlawful for county superintendents of the poor or any other authority to confine any insane person in the county almshouses" is noticeable in the revision; also the separating of the criminal insane from the ordinary insane, the former class being sent to the special asylum for criminals at Ionia. The rate to be charged for maintenance of all patients is fixed annually by the joint boards of trustees.

In New York an act ['03 ch.221] provides that the State Commission in Lunacy may appoint a well educated and experienced alienist as medical inspector of institutions for the insane, at a salary of $3500 and expenses. He must inspect carefully the several state hospitals including the institutions for the criminal insane and the private licensed institutions under the jurisdiction of the commission. He must also make an examination of the patients confined in the state hospitals, specially those admitted since his former visit, giving them a suitable opportunity to converse with him apart from the institution officers and attendants.

Governor Odell commends in his message the work of the Legislature of 1902, in centralizing the management of the state hospitals in the State Commission in Lunacy and points out the various advantages resultant therefrom, particularly the fixing of responsibility for administration in that body.

Virginia ['03 ch.139] empowers the boards of trustees to appoint every four years a superintendent for each hospital; the only qualification prescribed is that he be "a skilled physician." The board may also appoint the members of the medical staff and prescribe their compensation. The salaries of superintendents range

from $1800 to $2500, and where they occupy buildings on the grounds or belonging to the respective institutions they shall pay therefor such rental as may be fixed by the board of trustees. The commissioner of state hospitals, appointed by the governor, serves for four years. He is ex officio chairman of the general committee of the special boards of directors, and is responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals. He must be a skilled accountant and shall prepare an approved system of keeping records. He inspects the hospitals in all departments and reports annually to the governor. He receives a salary of $2000 and $500 for expenses.

Asylums. State or county care of insane. Arizona ['03 ch.79] provides that the Territorial Board of Control shall arrange for the semiannual purchase of supplies for the Territorial Asylum, contracts to be given to the lowest responsible bidder. Provision is also made for collecting the cost of maintaining persons in the asylum from the patient's estate or that of legally liable relatives. It is further provided that every discharged patient shall on leaving the asylum "have returned everything of value taken from him or her when entering the asylum and likewise all money that they have received and not disposed of for his or her benefit and all such other various sums as may be earned by him or her or from gifts or otherwise from any source."

Another act ['03 ch.13] changes the title of the Territorial Insane Asylum to Territorial Asylum for the Insane.

Governor Yates of Illinois states that 2986 insane persons remain in the county almshouses of Illinois. In many of these institutions no special provision is made for their separation from sane inmates and in a large majority of the counties no special attendants are employed to look after them. He strongly recommends careful consideration of the question of state care for the incurable or chronic insane.

Indiana ['03 ch.84] authorizes the boards of trustees of the several hospitals for the insane to fix with the consent of the governor the amount of compensation of the several superintendents.

Massachusetts ['03 ch.400] provides that if in the judgment of the State Board of Insanity it is expedient so to do, an agreement may be made with the proper authorities of any city or town to place insane persons of the chronic and quiet class in the almshouse of such city or town under the care of the proper local authorities. The rate to be paid for maintenance shall not exceed $2.80 a week for each person.

Governor Bates of Massachusetts in referring to the overcrowding of state institutions states that there are 1800 beds in halls and corridors not designed for that purpose.

Missouri changes the nomenclature of the institutions located near Fulton, St Joseph, Nevada and Farmington, to State Hospital No. 1, State Hospital No. 2, State Hospital No. 3, and State Hospital No. 4 respectively.

The most advanced legislation enacted during 1903 was that of New Hampshire [ch.61]. This in effect provides that after Jan. 1, 1909, the state shall have the care, control and treatment of all insane persons now cared for in the various county almshouses, and that no county shall after 1903 establish any asylum or other additional structure for the care of the insane. Further, that after the passage of this act the State Board of Lunacy may order the removal from almshouses to the State Hospital of all persons who may be appropriate for remedial treatment therein; such persons to be supported at the expense of the state. The act further provides that after Jan. 1, 1905, the state board shall as rapidly as accommodations are provided make transfers of the most suitable cases from almshouses to state hospitals, such transfers to be made pro rata to the population of the several counties.

Governor Aycock of North Carolina refers to the desirability of dividing defectives into five classes: first, the recent and supposedly curable; second, the chronic and dangerous; third, the epileptic; fourth, the chronic and apparently harmless; fifth, the chronic and helpless. North Carolina's chief problem is with the care of the chronic and apparently harmless. The governor states that the care of this class might best be intrusted to the counties "If any are to be sent there." "The state has assumed the care

of the first and second classes but not fully." He states that the dangerous insane are under the management of the penitentiary, which he considers highly objectionable.

Utah ['03 ch.115] changes the title of the State Insane Asylum to the State Mental Hospital. This institution is to be under the control of the Board of Insanity consisting of the governor, state treasurer and state auditor. The board may appoint a medical superintendent whose qualifications appear to be that he shall be a "well educated, experienced physician, a graduate in medicine and shall have practised his profession at least five years from the date of his diploma."

Governor Wells recommends that a board of alienists be created, and a detention or receiving station be established for receiving emergency or doubtful cases "pending examination, investigation and testing."

Washington ['03 ch.110] empowers the superintendents of asylums for the insane to accept donations for assisting or supporting such asylums.

New construction. Governor Orman of Colorado states that there are over 300 insane persons now scattered over the state who are kept in jails, almshouses and county hospitals. He recommends the construction of a new asylum remote from any city, this to be designed specially for the curable insane.

Connecticut ['03 ch.179] establishes a state hospital to be known as the Norwich Hospital for the Insane and provides that the town of Norwich shall donate land for said hospital. The new hospital is to be under the charge of 12 trustees who may appoint a superintendent whose qualifications are simply those of "a competent physician." The trustees may also appoint a treasurer. The price for maintaining any pauper or indigent person shall not exceed $3.50 a week. $100,000 is appropriated for the erection of the institution.

The State Commission in Lunacy of New York ['03 ch.541] is given authority to select a site and prepare plans for a new state hospital for the insane in the northeastern part of the state. $50,000 is appropriated for purchasing the land and preparing necessary plans.

Governor Ferguson of Oklahoma referred in his message to a contract with the Oklahoma Sanitarium Co. which obligates the territory to pay $200 a year for the care of each inmate maintained by that company, and the Legislature ['03 ch.16] provided for establishing the Oklahoma Hospital for the Insane on Fort Supply Military Reservation. The management is vested in a board of trustees consisting of the governor as ex officio chairman and "two other suitable persons of different political affiliations." The board employs all physicians and stewards deemed necessary and may remove any officer or employee. The superintendent must be "some suitable person who must have practised for five years as a specialist on diseases of the human mind." He receives a salary of $2000 and maintenance. In addition to the trustees a board of examiners of the hospital is appointed to visit the institution quarterly and to make careful inspection of the internal conditions. Such examiners report to the board of trustees. Further legislation concerning this matter shows that the United States has by an act of Congress donated the use of the Fort Supply Military Reservation for the purpose of establishing an asylum for the insane thereon.

Support. Right of admission. Connecticut ['03 ch.188] provides that any person committed as indigent to a state hospital, if possessed of no means himself and there is no person legally liable for his support who possesses sufficient means to pay therefor, shall be maintained partly by the state and partly by the town in which he resided at the time of commitment.

Governor VanSant of Minnesota repeats a recommendation contained in his message of 1901, that each county in the state be required to pay $1.50 a week for each patient committed, for the purpose of partially defraying the expense of care and maintenance. He states that this would tend to the exercise of greater caution in making commitments and that mildly insane patients might in consequence be retained at home.

North Dakota ['03 ch.105] provides that at each regular meeting of the board of trustees of the state hospital the sufficiency of the estate of each patient admitted shall be passed on in order to

determine whether it is sufficient to meet the cost of board and treatment. This action is supplemented by that of the county commissioners of insanity. This statute also provides that the North Dakota Hospital may receive residents of other states or territories on payment of the first cost of board and treatment so long as this does not result in the exclusion of any resident of the state. Provision is made for collecting from legally liable relatives the cost of maintaining persons committed to the hospital. Chapter 106 prescribes the form of inquiry to be used by county commissioners as to the estate of patients or that of legally liable relatives. As to nonresidents it is further provided by chapter 107 that nonresident insane paupers shall if possible be sent to the place where they have a residence.

Governor Chamberlain of Oregon recommends that provision be made to compel the near relatives of insane persons confined in an asylum to contribute toward their support when financially able to do so. He also believes that the transportation of the insane from their homes to the asylum should be intrusted to the asylum authorities. The Legislature passed an act ['03 p.118] requiring the county judge on the commitment of every insane person to the State Asylum to determine whether the insane person or his legally liable relatives are able to pay for his maintenance during treatment. The rate for such maintenance is fixed at $10 a month. It is specially provided that no discrimination shall be made between paying and nonpaying patients.

Vermont ['02 ch.57] provides that in the event of the estate of an insane person committed to a state hospital being insufficient to meet the hospital charges for maintenance and a like inability on the part of the legally liable relatives, a court of inquiry before the Probate Court of the district may order such person to be supported in whole or in part at state expense.

Inquest. Commitment. Florida ['03 ch.159] enacts a novel statute which provides that in addition to two qualified physicians certifying to the insanity of a citizen for the purpose of securing his commitment to a hospital, "one intelligent citizen who shall not have been a petitioner in the case" shall assist in the deter-

mination of the patient's insanity—these three to constitute an examining committee. The committee must also determine whether the insanity is acute or chronic, its apparent cause, the hallucinations, if any, and the age and propensities of the subject. The insane person may appeal from their decision to the court.

Illinois ['03 p.245] provides that inquests in lunacy proceedings shall be by jury "or a commission of two licensed physicians engaged in active practice." The alternate proposition contained in the commitment whereby the insane person's status may be determined by a commission of two licensed physicians seems to be a considerable advance on the original statute providing that inquests should be by jury alone. It is noted that a judge shall preside at the proceedings however and the presence of the patient is also indispensable. The judge may require all persons other than the patient, his friends, witnesses, licensed attorneys and officers of the court to withdraw from the room during the inquest.

Maine ['03 ch.1] amends the procedure relating to the commitment of the insane. The alleged insane person must have at least 24 hours notice of the institution of *de lunatico* proceedings with the further notice that he will be given an opportunity to be heard in the matter. Provision is made ['03 ch.80] that if the municipal officers neglect within three days after complaint is made to them to examine and decide any case of insanity in their town, complaint may be made to a justice of the peace who is required to inquire immediately into the mental condition of the patient.

Minnesota ['03 ch.106] provides that no so called harmless insane person "who can not be benefited by hospital treatment shall be committed to any hospital for the insane merely because he is suffering from idiocy, epilepsy, imbecility or the infirmities of old age." Hospital superintendents with the approval of the Board of Control may discharge or parole any inmate capable of caring for himself or who can be cared for by relatives and who is not dangerous to himself or the community.

New York ['03 ch.129] provides that the costs of any commission *de lunatico* shall be a charge on the county. The court shall

fix the compensation of commissioners. An important provision is enacted ['03 ch.146] to the effect that any insane person may be committed and detained for the space of five days in a state hospital on the certificate of two qualified examiners in lunacy pending the proceedings to obtain judicial approval to their findings of lunacy. These are to be regarded as emergency commitments.

North Carolina ['03 ch.329] provides that the hospitals for the insane shall become a part of the system of public charities. Inebriates shall not be confined for less than one month or more than six months in a private hospital or home.

Texas ['03 ch.145] provides that in cases of suspected insanity the county judge shall issue his warrant for the apprehension of the insane person, and shall fix a day and place for the hearing and determine as to the sanity. The place shall be either in the courthouse of the county or at the residence of the person named. The officer receiving the warrant shall take into his custody the person named therein; and when the warrant is issued a summons shall also be made by the judge for a jury of six competent jurors to pass on the question of insanity.

FEEBLE-MINDED AND EPILEPTIC[1]

J. C. CARSON M.D. SUPERINTENDENT SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN

From a general perusal of the messages of governors of states and legislation in relation to the epileptic and feeble-minded throughout the country for 1903, it is evident that questions concerning them are gradually receiving wider public interest. Legislation affecting one or both of these classes is found in no less than 12 different states, and in seven attention was called to various needs in relation to these classes in the messages of governors.

Governors messages. In Indiana the governor [8 Ja '03 p.34] advised earnest consideration for the epileptic and recommended the appointment of a commission to investigate all matters pertinent thereto and report on a plan making provision for their welfare. Interpreted, this means a preliminary step toward the selection of a site for an institution or colony and probable separate provision by the state for the epileptic class.

In Michigan the governor [8 Ja '03 p.4, 5] recommends suitable legislation toward creating an institution for the care of the epileptic. He advises separating epileptics from other defective classes, the feeble-minded and insane, believing that the contact of one class with another is injurious. He also advises purchasing a large tract of land and adopting the colony system, which he commends as having proved satisfactory in other states where it has been tried.

In Utah the establishment of a school for the feeble-minded had been recommended by the superintendent of public instruction. With this recommendation the governor [13 Ja '03 p.14], while recognizing the humanity of the purpose, takes issue on economic grounds. He advises that, instead of a new state school exclusively for the feeble-minded, the schools for the deaf and dumb and blind should be authorized to include this class. Such an

[1] *See also* Governors Messages and Summary of Legislation, 2210.

arrangement is only a postponement of the inevitable and has always been found unsatisfactory wherever tried. It is however a project not to be altogether condemned, and one which will eventually lead to separate institutional care.

Legislation. In Delaware ['03 ch.370] legislation was enacted for the relief of the idiotic children of the state. In this state no separate provision for the feeble-minded has yet been established. It would appear as if certain ones of this class were being provided for in the institution for the deaf and dumb and blind. The act provides authority for discharging any indigent pupil, presumably idiotic, who has received all possible benefits at the school and the delivery of such child to any person in the state entitled to his custody and, if no such person can be found, to the county almshouse. This legislation means almshouse care and is, we believe, unfortunate but is perhaps pardonable in a state as small as Delaware.

In Kansas it was enacted ['03 ch.484] that the Parsons State Hospital "shall be devoted to securing the humane, curative, scientific and economical care and treatment of epileptics and insane epileptics" and the government of the hospital is placed under the control of the Board of Trustees of State Charities and Correction. This board is required to make rules and regulations necessary for admitting epileptics, both sane and insane, to the hospital and respecting their treatment, care, education and other matters. The policy of placing all classes of epileptics in one institution is a doubtful one and the effect on sane or simply feeble-minded epileptics from contact with those who are insane can hardly fail to be prejudicial to their interests. The generally accepted opinion is that it is much better to provide for the custody of insane epileptics in hospitals for other insane.

Legislation was enacted in Montana ['03 p.309] making aggregate appropriations of $30,000 "for the erection and equipment of a school for the feeble-minded." The act authorizes the expenditure of $2000 for the purpose in 1903 and the balance in 1904. The legislation thus effected appears to be the first in that state in the interests of the feeble-minded.

In North Dakota a constitutional provision requires that feeble-minded persons shall be cared for at the Northern Hospital for the Insane at Jamestown. In 1901 the Legislature passed a resolution to amend the Constitution with a purpose of locating an institution for the feeble-minded at Grafton. This resolution was repassed by the Legislature of 1903 and will be submitted to a vote of the people in November 1904. Presupposing its repassage and subsequent approval by the people the Legislature of 1901 passed an act ['01 ch.36] authorizing the governor to appoint a board of trustees to procure plans etc. for the proposed institution. This act was repealed by '03 ch.108 which is an "act to establish an institution for the feeble-minded and to provide for its support and management." Section 1 locates the institution at or near the city of Grafton and designates it as "The Institution for Feeble-Minded." Sections 2 to 5 provide for the appointment of a board of trustees, regulate their terms of office, prescribe their duties and empower them to appoint a superintendent who shall be a physician skilled in the care of the feeble-minded. Section 6 provides for admitting all feeble-minded persons residing in the state, of suitable age, capable of receiving instruction, whose defects prevent their admission to the public schools. It also gives authority for admitting idiotic and epileptic persons and makes the institution one of a mixed character, i. e. both educational and custodial, and it would seem for both classes, the idiotic and epileptic. Further sections of the act prescribe the duties of the officers of the institution and regulate matters pertaining to the support of pupils and inmates, which are not materially different from corresponding laws governing institutions of the same mixed character in other states.

Pennsylvania has already provided two large well equipped institutions for both the feeble-minded and epileptic classes, one at Elwyn and the other at Polk, on the mixed educational, industrial and custodial plan. A third institution on the same plan, to be called the State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania was authorized by the Legislature of 1903 [ch. 424]. Sections 1 to 5 provide for the appointment of a commission, the selection of a site for the institution, the approval

of the site and cost by the governor and of the plans by the State Board of Public Charities, and the appointment of a superintendent of construction. Section 6 appropriates $50,000 for purchasing the land, preparing plans, and beginning the erection of the buildings. Section 7 requires that the buildings shall be constructed in two groups, one for the educational and industrial departments, and the other for the custodial or asylum departments with subdivisions for classification, on a scale to accommodate not less than 500 inmates, all to be on a plan for easy and natural additions. Section 9 provides that after the buildings are completed the commissioners shall surrender their trust to a board of trustees to consist of nine members serving without compensation, appointed by the governor. Section 10 defines as the purpose of the institution, "the reception, detention, care and training of epileptics, idiotic, and feeble-minded persons of both sexes," and requires that the buildings shall be so planned that provision shall be made for separately classifying the inmates into groups embraced under the terms "epileptics," "idiotic" and "imbecile" or "feeble-minded." It further specifically determines that agricultural training shall be the primary educational feature. Sections 11 to 17 relate to admissions and authorize the board of trustees to receive feeble-minded children under 20 years of age, incapable of receiving instruction in the common schools, according to such rules and forms as the board may determine. Feeble-minded adults of "inoffensive habits" are to be admitted in accordance with the same form of commitment as is required at the state hospitals for the insane. Section 17 requires the board of trustees to appoint as superintendent a skilful physician of five years' actual practice at his profession, of competent medical and executive ability, who in turn is required to appoint as many assistants, attendants and employees as the board deems necessary, together with a steward whose appointment requires the approval of the board, the salaries of all to be fixed by the board of trustees.

From some knowledge of the existing conditions in Pennsylvania, and where the population is so great, it is our opinion that, instead of a new institution on the mixed plan of providing for

all classes of the feeble-minded and epileptic, there is greater need of an institution for the strictly custodial or asylum cases, similar to the one at Rome in this state: or, what might have better met necessities in Pennsylvania, perhaps, would have been the establishment of a colony for epileptics exclusively, the separation of the epileptic class from the feeble-minded having become of late years generally recognized as both important and desirable.

A second act in this state ['03 ch.78] authorizes an increase of the charge of maintenance at the Pennsylvania Training School for Idiotic and Feeble-Minded Children at Elwyn, from $175 to $200 a year.

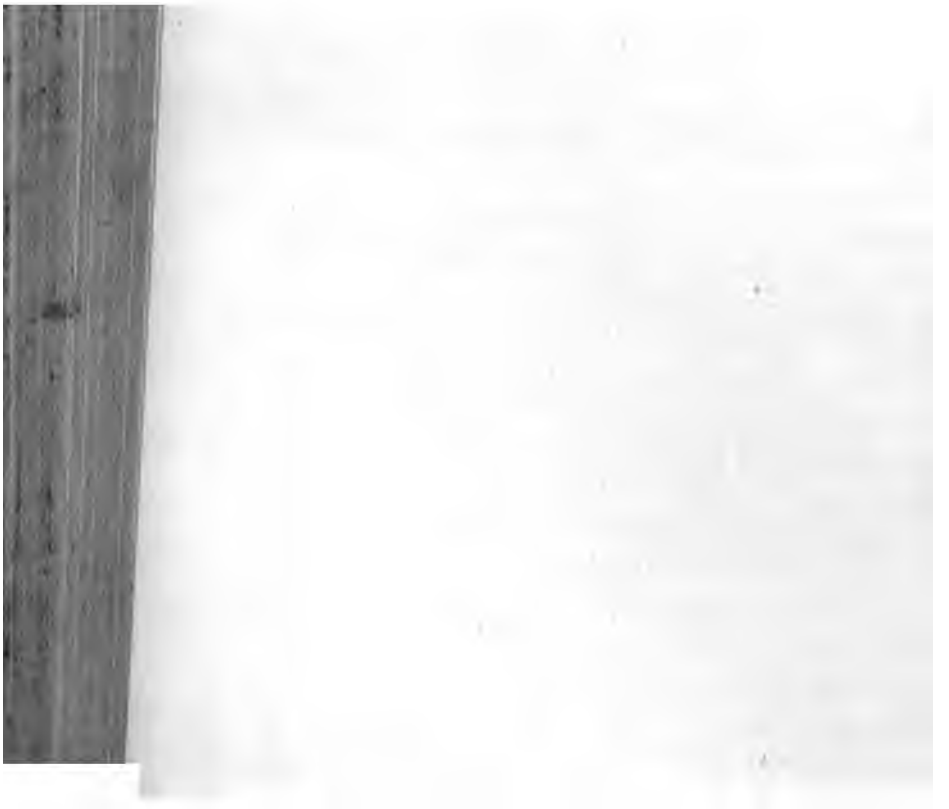
In South Dakota ['03 ch.188] an act was passed amending the law relating to the Northern Hospital for the Insane. The amendment provides for admitting imbecile, feeble-minded or epileptic persons at the State Insane Hospital in so far as its facilities will permit and prescribes a residence in the state of one year instead of six months as a preliminary requirement to admission. It also provides for admitting patients at both public and private expense. The law states that if such persons admitted are suitable they shall be educated in the hospital at the expense of the state which implies the maintenance of a school, therefore making the hospital educational as well as medical and custodial in its character. This legislation in South Dakota is hardly in keeping with the progressive spirit of the neighboring state of North Dakota where since 1901 legislation has all been shaped, as elsewhere noted, with a view of separate provision for the feeble-minded and the insane.

An act ['03 ch.108] providing for admitting epileptics to the [illegible] colony became a law in Texas. The act also provides [illegible] epileptics to the colony from the insane asylums [illegible] It prohibits the admission to the colony of idiots [illegible] and those who are of the helpless class. The terms [illegible] imbecile" are defined as meaning persons "with [illegible] mind" and whose arrest of development was [illegible] took place soon after birth. Of the patients

admitted to the colony the law makes three classes: indigent, nonindigent and private patients, and states that so far as accommodation is concerned the first class shall have the preference, and the second class over the last named. It would appear that the colony is to receive but two classes of epileptics, the sane and the insane. There is nothing in the law which indicates any separation of the two classes. Though it is presumed some classification is intended, yet under such an arrangement there could hardly fail to be more or less association of the sane epileptics with the insane, a policy which can not be commended and must inevitably prove unsatisfactory. We are also of the opinion that the nonindigent class of patients is equally if not more worthy of care and maintenance by the state than those who are altogether indigent; certainly by right they should be placed on not less than an equal footing.

The Legislature of Virginia by an act ['03 ch.110] amending '00 ch.933 requires the superintendent of any hospital for the insane in the state to order the removal of any idiot or harmless dement who shall have been admitted therein. As no institution for the feeble-minded exists in the state, the county almshouses must therefore become the receptacles for all such cases without friends or guardians, a condition to be deplored specially in a state as old and as populous as Virginia. Interpreted, the law means an effort by the state to provide room for a few more insane, at the same time it coldly abandons the poor idiot or harmless old dement to whatever fate may befall him.

Public provision for the feeble-minded in Washington is made at the School for Defective Youth located at Vancouver. This school is maintained for the three classes: the deaf, blind and feeble-minded. The Legislature passed an act ['03 ch.140] making the school free to all resident youth in the state of the three classes named and providing for a regular school term of nine months in the year for the deaf and blind but stipulating that the department for the feeble-minded shall be kept in continuous operation throughout the year.



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TENDENCIES IN SCHOOL LEGISLATION IN 1903[a]

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Though large in bulk, school legislation in 1903 presents no features of unusual interest. In this article reference is made to 157 laws, selected as worthy of comment from a total of about 500. These 157 laws show changes in organization, increases in various forms of public aid, new provisions to compel attendance, new recognition of the value of supervision, enlargement of provisions for the preparation of teachers and a steady movement toward the universal bestowal of high school privileges. Noting the most prominent features of this legislation, one may say that they suggest the type toward which state education in America is moving: a school strong in local support, aided by the state in proportion to its needs, subject to expert supervision, furnishing instruction in elementary and academic branches by specially qualified teachers; and compulsory attendance at some approved school.

California provided for the formation of **union school districts**;[1b] North Dakota authorized the consolidation of schools, or the conveyance of pupils;[2] and Oregon authorized the district boundary board to consolidate school districts on petition of voters, the districts to have final determination by vote.[3] Colorado passed a law under which union **high school districts** may be formed in fourth and fifth class counties;[4] Minnesota[5] and North Dakota[6] framed provisions allowing adjacent school districts to combine for the support of a graded or high school; Wisconsin's joint high school act was so amended as to unite with a free high school district a town or village created within the territory of the district;[7] and

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[a] *See also* Governors Messages and Summary of Legislation, 2220.

[b] Superior figures refer to notes on p.t10-11.

South Dakota provided for establishing township high schools[8] North Carolina transferred from county commissioners to the General Assembly the appointment of county boards of education, and from the county board to the State Board of Education the power to fill vacancies.[9] Arkansas,[10] Kansas,[11] Minnesota,[12] North Carolina[13] and Oregon[14] increased the salary of the superintendent of public instruction; while that of county superintendents was increased by Delaware[15] and Oklahoma,[16] and Minnesota made wider provision for the expenses of such officers.[17]

The disposition to give **liberal support to schools** found expression in a number of state or territorial Legislatures in additions to appropriations or an advance in the rates of taxation for educational ends. Where the rate of taxation is lowered the reduction is obviously made because the valuation of taxable property has been greatly augmented. Delaware, whose appropriation was advanced in 1901 from $100,000 to $120,000, adds $12,000 more;[18] New Mexico raises the limit of the district school tax and of the special school district tax for sinking fund and buildings from 5 to 7½ mills;[19] South Dakota advances the limit of the school tax from 20 mills to 25;[21] the Florida Legislature submits for the approval of the electors in November of 1904, a constitutional amendment which puts at 7 mills the maximum rate levied by counties for public free schools,[22] the present maximum being 5 mills; Oregon provides that the county school tax shall aggregate $6 for each child from 4 to 20 years;[23] Tennessee turns into the school fund unexpended balances in the state treasury;[24] and Vermont sets aside $15,000 for distribution among the towns which raise the higher per cent of tax for school purposes.[25] Wisconsin, however, reduces the rate of state taxation for schools from 1 mill to $\frac{7}{10}$ of a mill;[26] and Wyoming extends to districts of $5,000,000 valuation the 5 mill limit of school taxation formerly attached only to districts whose valuation is from $200,000 to $3,000,000.[27] Minnesota enlarges the sums apportioned to graded, semigraded, and rural schools.[28] Idaho[29] and Missouri[30] authorize issues of school district, and Indiana[31] of municipal bonds for construction of schoolhouses; and North

Carolina creates a state fund as a basis of loans for the erection of school buildings.[32] Connecticut grants state aid for the payment of teachers' wages to towns below $500,000 valuation that levy a 4 mill school tax;[33] it also authorizes state assistance to one half the amount paid by a town not exceeding $800 a year, toward maintaining a superintendent of town schools and assumes the payment of three fourths of the salary in the case of a town having only 10 teachers.[34] Rhode Island provides for employing a superintendent at a salary of $1500, of which the state will pay half.[35]

California's entrance on a generous policy toward **secondary education** was proclaimed in 1902 by popular approval of a constitutional amendment for a special state tax for high schools, and last year the Legislature authorized an annual tax of $15 for each high school pupil, two thirds to be apportioned pro rata, the rest irrespective of the number of pupils.[36] Governor Pardee states in his message of last year that the state government of California bears 45% of the expense of supporting public schools. Florida makes provision for a system of public schools with 12 years' consecutive study and with aid to high schools, proportioned to length of course, two year high schools to receive $360 each for three years, four year high schools to receive $600 each for three years;[37] Minnesota adds one half to its allowance of $500 to high schools giving special instruction in certain branches;[38] and North Dakota raises the annual apportionment for high schools from $4000 to $10,000.[39]

Higher and technical education has not been neglected. Colorado doubles the tax imposed for the benefit of the State University;[40] Wisconsin adds $48,500 to its allowance for the current expenses of the State University;[41] Massachusetts provides an annual appropriation for technical education to supplement the income from the federal grant;[42] and Indiana substitutes for a levy of $1\frac{2}{3}$ cents one of $2\frac{3}{4}$ cents on $100 for state educational institutions.[43]

The injury inflicted alike on the dignity of scholarship and the reputation of colleges by a profuse bestowal of degrees is recog-

nized in the new law of Arkansas which forbids educational institutions to confer purely honorary degrees or give degrees to nonresident students or students taught by correspondence, and confines the privilege of conferring degrees to institutions chartered by the State Board of Education.[44]

The claims of the student in communities which do not furnish free academic instruction received increased attention. State action has taken the form either of an appropriation to pay the tuition of academic pupils residing in districts which do not maintain high schools and attending elsewhere or legislation requiring or empowering such districts to bear the cost of tuition or transportation, the state in some cases reimbursing them in whole or in part. In 1903 Connecticut provided that towns which support no high school shall pay for the transportation of students to accredited schools, the state repaying one half,[45] and, further, that high schools or academies in which nonresident students are instructed at the expense of the state must be approved by the State Board of Education;[46] Maine provided for the payment of tuition, not to exceed $30 a year for each pupil, by such towns, they being entitled to partial reimbursement by the state;[47] Michigan empowered school districts to pay for tuition and transportation of pupils who have completed the eighth grade;[48] New Hampshire limited to $40 a pupil the annual sum which a town may pay for students attending high school outside its limits and gave authority to contract with an approved academy within its limits for instruction;[49] New York appropriated $100,000 for the tuition of nonresident high school pupils from districts not maintaining an academic department;[50] South Dakota declared by law that academic students living in a district which supports no secondary school may attend such in a neighboring district at the expense of the home district;[51] while Vermont, which allows such students to attend a high school or academy within or without the state at their towns' expense, has now engaged to reimburse the towns in proportion to their liberality in school taxation.[52] Wisconsin established the requirement for free tuition that the nonresident pupil shall file a diploma or

a county superintendent's certificate showing completion of the elementary course in the home district.[53]

A number of states have extended their facilities for **educating teachers.** Florida provides for summer training schools for both white and colored teachers;[54] Nebraska for junior normal schools having a 10 week summer course;[55] Wisconsin permits counties to unite for establishing a joint training school;[56] and Michigan,[57] Nebraska,[58] New Jersey[59] and North Carolina[60] establish new normal schools. Wisconsin adds $35,000 to the annual appropriation for the normal school fund.[61] A recommendation made by Governor Savage of Nebraska in 1903 is suggestive of the rising demand for specially trained teachers. He said: "I recommend that the law pertaining to teachers be so amended as to make normal instruction compulsory, and that no teacher be eligible to service in that capacity who has not attended normal school for at least one year." A similar recommendation occurs in the message of Governor Herreid of South Dakota.

The demand that teachers shall have a professional preparation is accompanied by a feeling that compensation should keep step with the advancing requirements; and this sentiment has already made an impression on legislation. Last year Pennsylvania provided that no teacher in a state-aided district shall receive less than $35 a month;[62] New Jersey, that teachers who have given 40 years' continuous service may be retired on half pay.[63]

Compulsory attendance was the subject of legislation in many states. California now requires children from 8 to 14 to attend school five months of the school term, 18 weeks consecutively;[64] Colorado raises the limit of required attendance from the age of 14 to that of 16;[65] Illinois compels yearly attendance 110 days, an increase;[66] Kansas, for the entire school year and adds a year to the length of school age;[67] Montana allows attendance at a parochial school and adds four weeks to the required yearly time;[68] Nebraska exacts attendance at least 12 consecutive weeks from the beginning of the session and extends the school age from 14 to 15;[69] New York adds two years to the period during which attendance is compulsory and restricts the employment of boys between

14 and 16 in cities of the first and second class to those that hold a certificate of the Regents or the Department of Public Instruction or an elementary school showing the completion of an elementary course, or attend a satisfactory evening school at least 16 weeks a year;[70] Washington requires attendance at least four months, in incorporated city graded schools five months, of children between 8 and 15;[71] West Virginia changes the time in which attendance is compelled from 16 to 20 weeks;[72] and Wisconsin extends the required period by a year.[73] Kansas adds a month to the school year.[74]

Minnesota empowered cities of less than 10,000 to furnish free **textbooks** in the schools;[75] and the Missouri Legislature submits to popular vote a ½ mill tax for free textbooks.[76] In Georgia the State Board of Education was constituted a uniform textbook commission;[77] in Montana the governor is to appoint a state textbook commission;[78] and Texas creates a textbook board.[79]

Legislation in behalf of popular instruction in the **useful arts** maintained in 1903 the impetus gained in previous years. The relation of scientific agriculture and technical and manual training to national prosperity was recognized in 1903 in Florida's act establishing Florida Agricultural Institute, which will conduct a model farm;[80] Pennsylvania's, permitting cities to establish schools of agriculture, commerce, manufacturing and mining;[81] Wisconsin's, augmenting the state provision for county schools of agriculture and domestic economy;[82] Illinois's, providing for the free attendance of apprentices at municipal manual training schools;[83] Kansas's acts providing for public support of industrial and manual training;[84] Pennsylvania's act authorizing cities of 100,000 to 1,000,000 to furnish a site for a technologic school;[86] and Texas's legislation introducing manual training into normal schools[87] and attaching a department of textile industry to the Agricultural and Mechanical College.[88]

The popular sentiment in favor of such instruction found expression in 1903 in the messages of two governors. Governor Bates of Massachusetts said: "The action of the General Court in encouraging the establishment of textile schools . . . has been

fully justified." Governor McMillin of Tennessee said: "I recommend for your consideration the enactment of such laws as will inaugurate, wherever it is possible, manual training and industrial education as a part of our common school system."

The professions

Legislation touching the profession of law exhibits increased stringency in regard to the qualifications for practice. Though Arkansas[89] and South Dakota[90] provided for the admission of graduates of the law department of the State University to practise without examination, Oklahoma authorized the appointment of a commission to conduct examinations for licensing,[91] Tennessee created a board of examiners,[92] Texas[93] and Washington[94] made provision for boards, while Nebraska added equity, criminal law, statutes and practice of the state to the subjects of a bar examination.[95] North Dakota raised the requirements of previous professional experience under which lawyers from other states may practise.[96] Nebraska added a year to the required practice and study preceding examination.[95] Washington legislated concerning barratry,[97] while Montana,[98] New York,[99] Wisconsin[100] and Wyoming[101] passed laws in relation to suspension or disbarment.

In the year under review examining boards in medicine were created in several political divisions, the principle of reciprocity received more general adoption, medical education commanded legislative attention, and laws were passed for the control of specialists and irregular schools. Arkansas created state boards representing the three leading medical sects;[102] Nebraska made examination by the State Board of Health necessary to licensing;[103] Oklahoma constituted the Territorial Board of Health a board of medical examiners;[104] South Dakota created a board of examiners;[105] and provision was made by Michigan for examining graduates of medical colleges.[106] New Mexico provided that license shall depend on the possession of an approved medical diploma;[107] and New Hampshire, that the period of medical training may be reduced one year when the applicant presents a liberal arts diploma covering certain studies.[108] Con-

necticut,[109] Montana,[110] New Mexico,[107] Oregon,[111] and Vermont[112] authorized approval of the licenses or certificates of examination of other states; Kansas authorized temporary permits to licentiates of other state boards.[113] New Jersey[114] and South Dakota[105] prescribed the length of a medical course; Wisconsin, the education necessary for entrance to a medical school.[115] California,[116] Nevada,[117] and North Dakota[118] regulated the practice of optometry. Virginia exempted from examination in materia medica the applicant professing a system that dispenses with drugs;[119] Arkansas,[120] Michigan,[121] Minnesota,[122] Missouri,[123] and Oklahoma,[124] established boards of osteopaths to license, on or without examination; New Mexico authorized licensure on the basis of a diploma;[125] Vermont on the diploma of the Boston Institute of Osteopathy;[126] while Arkansas,[120] Michigan,[121] Minnesota,[122] Missouri,[123] New Mexico,[125] Oklahoma[124] and Wisconsin[115] defined an approved school of osteopathy. Maine repeals a section requiring the irregular practitioner to obtain a certificate of character in order to collect bills.[127] Arkansas prohibits unprofessional practices by physicians,[128] and Montana allows appeals to a District Court and trial by a jury of physicians on refusal or revocation of a license.[129]

Two features in the outlook for medical education are indicated in the message of Governor Bliss to the Michigan Legislature: "The State Board of Registration in Medicine favors amendments to the medical law, having in view both the elevation of the standard and the uniformity of the act in connection with the medical laws of states which have taken an advanced position, in order that worthy and well qualified physicians and surgeons who have been legally authorized to practise under the laws of other states may be given the right to practise in this state without being forced to submit to a repetition of the examination which they had previously undergone."

In **dentistry** the new laws or amendments relate mainly to the licensing and to the education of practitioners. Arizona re-

places the Board of Registration in Dentistry with a board of dental examiners, which will license only after examining;[130] Indiana admits to the state test persons who have a satisfactory diploma or five years' office experience;[131] Utah gives like recognition to a diploma and to three years of office study;[132] Wisconsin, which grants exemption from examination to graduates of approved dental schools, raises the requirements touching such schools.[133] New Hampshire compels every association practising dentistry to display the certificate of each member.[134] Wisconsin provides for preliminary education.[133]

Arizona created a board of **pharmacy**, to license graduates of legally constituted schools and applicants who have passed its examination, four years' experience in pharmacies being required of both.[135] Vermont authorized the revocation of a druggist's license on conviction of the illegal sale of liquor;[136] also passed a law for the prevention of unlicensed practice.[137] North Dakota made provisions for registration of apprentices in pharmacy and certification of assistants.[138]

A number of states made laws relating to **veterinary medicine**. Massachusetts[139] and Oregon[140] authorized licensure on approval of a diploma or examination. Colorado,[141] Delaware,[142] Massachusetts,[139] North Carolina[143] and Oregon[140] created state examining boards. Colorado[141] and Minnesota[144] defined approved veterinary colleges.

Several states regulated the practice of **nursing**. New York,[145] North Carolina,[146] and Virginia[147] established boards of examiners of nurses, the New York board to be appointed by the Regents of the University from nominations made by the New York State Nurses Association. This state authorized the use of the abbreviation R.N. by registered nurses. New Jersey permits license on diplomas of training schools;[148] and North Carolina, at the discretion of the board, without examination.[146]

Illinois[149] and Washington[150] created examining boards in **accountancy**, and Illinois[149] provided for license on the State University certificate.

California[151] supplemented and New Jersey[152] amended st regulations concerning architects.

[1]Cal. '03 ch.252
[2]N. D. '03 ch.83
[3]Or. '03 p.86
[4]Col. '03 ch.167
[5]Minn. '03 ch.277
[6]N. D. '03 ch.85
[7]Wis. '03 ch.345
[8]S. D. '03 ch.127
[9]N. C. '03 ch.269
[10]Ark. '03 ch.115
[11]Kan. '03 ch.241
[12]Minn. '03 ch.252
[13]N. C. '03 ch.603
[14]Or. '03 p.194
[15]Del. '03 ch.288
[16]Okl. '03 ch.14, art.4
[17]Minn. '03 ch.200
[18]Del. '03 ch.339
[19]N. M. '03 ch.72, 74
[20]S. D. '03 ch.75
[21]Fla. '03 p.637
[22]Or. '03 p.214
[23]Tenn. '03 ch.105
[24]Vt. '02 ch.30
[25]Wis. '03 ch. 313
[26]Wy. '03 ch.63
[27]Minn. '03 ch.366
[28]Id. '03 p.344
[29]Mo. '03 p.266
[30]Ind. '03 ch.200
[31]N. C. '03 ch.567
[32]Ct. '03 ch.102
[33]Ct. '03 ch.195, §2–5
[34]R. I. '03 ch.1101
[35]Cal. '03 ch.60
[36]Fla. '03 ch.101
[37]Minn. '03 ch.359
[38]N. D. '03 ch.8
[39]Col. '03 ch.178
[40]Wis. '03 ch.344 §1
[41]Mass. '03 ch.109
[42]Ind. '03 ch.81
[43]Ark. '03 ch.90
[44]Ct. '03 ch.182
[45]Ct. '03 ch.187
[46]Me. '03 ch.68
[47]Mich. '03 ch.190
[48]N. H. '03 ch.118
[49]N. Y. '03 ch.542
[50]S. D. '03 ch.132
[51]Vt. '02 ch.27
[52]Wis. '03 ch.329
[53]Fla. '03 ch.103
[54]Neb. '03 ch.91
[55]Wis. '03 ch.338
[56]Mich. '03 ch.156
[57]Neb. '03 ch.90
[58]N. J. '03 ch.96
[59]N. C. '03 ch.798
[60]Wis. '03 ch.135
[61]Pa. '03 ch.118
[62]N. J. '03 ch.16
[63]Cal. '03 ch.270
[64]Col. '03 ch.164
[65]Ill. '03 p.308
[66]Kan. '03 ch.423
[67]Mon. '03 ch.45
[68]Neb. '03 ch.95
[69]N. Y. '03 ch.459
[70]Wash. '03 ch.48
[71]W. Va. '03 ch.26
[72]Wis. '03 ch.189
[73]Kan. '03 ch.431
[74]Minn. '03 ch.314
[75]Mo. '03 p.281
[76]Ga. '03 p.53
[77]Mon. '03 ch.116, 122
[78]Tex. '03 ex. sess. ch.12
[79]Fla. '03 ch.166
[80]Pa. '03 ch.239
[81]Wis. '03 ch.143
[82]Ill. '03 p.10
[83]Kan. '03 ch.20, 34
[84]Pa. '03 ch.199
[85]Tex. '03 ch.48
[86]Tex. '03 ch.54
[87]Ark. '03 ch.74
[88]S. D. '03 ch.77, 78
[89]Okl. '03 ch.3, art.1, 2
[90]Tenn. '03 ch.247, 465
[91]Tex. '03 ch.42
[92]Wash. '03 ch.185

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[124]Okl. '03 ch.22
[125]N. M. '03 ch.90
[126]Vt. '02 ch.110
[127]Me. '03 ch.44
[128]Ark. '03 ch.178
[129]Mon. '03 ch.95
[130]Ari. '03 ch.28
[131]Ind. '03 ch.202
[132]U. '03 ch.79
[133]Wis. '03 ch.411
[134]N. H. '03 ch.113
[135]Ari. '03 ch.74
[136]Vt. '02 ch.111
[137]Vt. '02 ch.112
[138]N. D. '03 ch.135, 136
[139]Mass. '03 ch.249
[140]Or. '03 p.154
[141]Col. '03 ch.171
[142]Del. '03 ch.364
[143]N. C. '03 ch.503
[144]Minn. '03 ch.149
[145]N. Y. '03 ch.293
[146]N. C. '03 ch.359
[147]Va. '03 ch.191
[148]N. J. '03 ch.109
[149]Ill. '03 p.281
[150]Wash. '03 ch.72
[151]Cal. '03 ch.376
[152]N. J. '03 ch.40

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GEOLOGICAL WORK[1]

FREDERICK J. H. MERRILL PH.D.

legislation on state geological work for 1903 provides for ival in Texas and Connecticut of surveys of their mineral :es.

ıs ['03 ch.144] makes an appropriation of $15,000 a year o years for a mineral survey of all state lands, all lands ing to the public schools, the university, or state asylums l other mineral lands within the state. Specific provision e for assays, analyses, distribution of publications and other ıry details, and also for the exhibition at the Louisiana ıse Exposition of the mineral collection of the University :as. It is of interest to note that the bill provides that ıs the mineral survey that has been carried on for the last ıars has been of great value to the state and whereas said should be continued without interruption; it is declared n emergency has been created and an imperative public ty exists for the immediate passage of the act.

onnecticut provision is made ['03 ch.133] for the organiza- f a state geological and natural history survey, an early ıt which was developed under the direction of Prof. J. G. ıl in 1835. Three thousand dollars is appropriated for the to be expended under the direction of a commission com- of the governor, the presidents of Yale University, ran University, Trinity College and Connecticut Agricul- College.

gia increases the salary of its assistant state geologist 96] and votes an appropriation of $30,000 for an exhibit

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also Governors Messages and Summary of Legislation, 2380.

of minerals, agricultural and horticultural products illustrative of the economic resources of the state, to be placed in a state museum ['03 p.697].

Maine ['03 r.75] extends the work of the Topographic and Geologic Survey to include hydrography, increasing its biennial appropriation from $2500 to $5000.

North Dakota increases its annual appropriation for the Agricultural College Survey ['03 ch.13] from $500 to $1000; and its biennial appropriation for the State Geological Survey from $600 to $1000 ['03 ch.14].

New Jersey ['03 ch.101] reorganizes the board of managers of the State Geological Survey and provides for certain members at large, which may include former state geologists.

Local government Delos F. Wilcox
Local finance Frederick R. Clow
Municipal functions John A. Fairlie

LOCAL GOVERNMENT[1]

DELOS F. WILCOX PH.D. SECRETARY CIVIC CLUB, GRAND RAPIDS

City government

Home rule. One of the most significant tendencies of the times municipal legislation continues to be the movement for home le. The Oregon constitutional amendment [art. 11 §2] referred in the *Review* two years ago was repassed by the Legislature 1903 ['03 p.346]. However, the Legislature failed to pass an t submitting it to the people; consequently final action must postponed for another two years at least. The home rule prosions of the California Constitution continue to be put into tive operation. During 1903 there were adopted three entirely ew freeholders' city charters (Salinas city, Cal. '03 ch.15; Watonville, ch.18; and Santa Rosa, ch.32) and important amendents to three other freeholders' charters (Los Angeles Cal. '03 h.6; San Francisco, ch.11; and Napa, ch.31). Altogether 16 alifornia cities are now living under charters framed by themlves and approved by the Legislature without amendment. The st includes the four most populous cities of the state. In fact unicipal home rule has made such progress in California that overnor Gage in his message last year sounded a note of warng [*Governors Messages,* 2433b]. His feeling in regard to the gnificance of the home rule movement in California is summed p in the following sentences: "I regard this excessive growth f municipal power as a peaceful mode of secession from the ate and an unconscious blow against the state's integrity, and ndirectly, an unpatriotic assault on national existence. Munici-

[1] *See also* Governors Messages and Summary of Legislation, 2430.

pal leagues exist at the present time throughout the United States whose common object is the extension of municipal powers, and in consequence the limitation of state power. In view of this massing of opinion toward decentralization, it behooves patriotic legislators to be cautious and conservative in the drafting of constitutional amendments which have for their object the augmentation of municipal power, considering the special provisions of our state Constitution."

California home rule is more extreme than that of any other state except Colorado. It may be doubted, however, whether any return toward state control by the Legislature is to be desired. Rather, the administrative control of the central state government should be strengthened.

In Minnesota the Legislature passed during the year a new act ['03 ch.238] giving effect to the home rule provisions of the Constitution. It will be remembered that the Constitution divides the cities of the state into four classes, and gives each city the right to frame its own charter subject to the general laws governing all cities or all the cities of the particular class of which the city is a member. The charter is drawn up by a board of 15 freeholders appointed by the judges of the District Court. This board is a permanent body, the term of office of the individual members being four years. The board is established in the first place by the judges, either on their own motion or in response to a petition signed by 15% of the electors of the city. The charter drawn up by the freeholders, or amendments proposed by them or by popular petitions signed by 5% of the voters are submitted to the people and adopted if approved by a four sevenths affirmative vote. Subject to the express limitations of the Constitution and laws, these charters and their amendments "may provide for any form and scheme of municipal government, and may embrace provisions for the regulation, management, administration and control of all departments of the city government and of all local municipal governmental functions as fully and comprehensively as could the statutes of the state of Minnesota," if the home rule amendment had never been adopted. The charter of a city may provide "for acquiring by

gift, purchase or condemnation, inside or outside its limits, property for public parks, public libraries, cemeteries, penal institutions, hospitals, rights of way for sewers, for uses connected with water supply, for the convenient discharge of any governmental or business function which such city is capable of exercising or for any other public purpose," and may provide "for managing, controlling, and policing the same." Franchises may be granted for 25 years, but, if exclusive, they must receive the approval of the electors. The limit of the bonded debt is fixed at 10% of the assessed valuation. In cities of more than 50,000 population, any indebtedness exceeding 5% of the valuation must receive the approval of the people. Bonds issued in anticipation of revenue, or for the maintenance of "a permanent improvement revolving fund," or for water and lighting plants, are not to be considered in determining the debt limit. At least 10 Minnesota cities, including St Paul and Duluth, have adopted home rule charters.

A step was taken in the state of Washington to perfect the home rule system by an act of 1903 [ch.186]. Formerly charter amendments had to be initiated by the city council. The new law gives 15% of the voters the right to initiate any charter amendment "providing for any matter within the realm of local affairs, or municipal business."

The home rule movement is not confined to constitutional amendments and charters framed in accordance with them. California gave by statute ['03 ch.86] to cities having less than 3000 population authority to acquire and construct all public utilities. General laws and special charters enacted in various sections of the United States grant extensive powers of home rule in relation to municipal functions. Examples are the Kansas law governing cities of the first class, of which there are five in the state ['03 ch.122], the Nebraska law governing cities of from 25,000 to 40,000 population ['03 ch.17] and the charters of Bradentown and Jacksonville [Fla. '03 ch.232, 242] and of Parkersburg [W. Va. '03 ch. 66]. The Jacksonville act is specially significant in the direction of home rule. The city council by a two thirds vote with the approval of the electors is authorized to amend and

change "the number, powers, duties, terms of office and time and manner of election or appointment of any and all boards and officers of the city of Jacksonville, whether created by or recognized in state legislation or city ordinance, except only the legislative powers and duties of the city council."

Perhaps reference should be made to another phase of home rule illustrated by the charter of the city of New Smyrna Fla. ['03 ch.253]. It is the almost universal rule in American city charters to give the council power to "prohibit and suppress" gambling and prostitution. The significant clause in the charter of New Smyrna gives the council authority "to *regulate or* prohibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature." A similar provision, providing even more explicitly for the possible regulation of vice, is found in the charter of San Diego Cal., adopted a good many years ago. It is doubtful, however, whether the actual home rule that is commonly exercised by cities along this line will come to be generally recognized in municipal legislation very soon.

Other interesting phases of the home rule movement are illustrated by a New Jersey law ['03 ch.240] giving cities authority to regulate billboards and by a proposed Tennessee constitutional amendment ['03 ch.532] which would permit counties and cities to exempt the property of new manufacturing enterprises from local taxation for a period of 10 years.

Popular responsibility. Along with the movement for municipal home rule goes the development of ways and means to bring the government nearer to the people and to increase the direct political responsibility of the electors. The charter amendments adopted by Los Angeles [Cal. '03 ch.6] put that city in the forefront of the democratic movement. The initiative, the referendum and the recall were all incorporated in the city's charter in 1903. On petition of 15% of the number of voters at the last mayoralty election bringing any measure before the council, that body must either pass it or submit it to the people at a special election. Petitions of 5% of the voters compel the council to submit any measure at the next regular election. All ordinances, except emergency

measures (which may never include any franchise ordinance) and orders for street improvements, may not go into effect for 30 days after their passage. If within that time the referendum is called for by 7% of the voters, the ordinance must be either repealed or submitted to the people. The most advanced provision of all, however, is that which gives 25% of the voters the right, by filing their petition with their reasons therefor, to compel any elected official either to abandon his office or to stand for reelection at any time. Unless the official gets a vote of confidence from the people at the special election he has to give way to some other man, who is the people's choice. I know of no other city in the United States where the recall has been adopted. The first proposed home rule charter of Denver contained such a provision, but failed to receive the approval of the people when voted on in September 1903.

We find the initiative or referendum or both on the question of municipal ownership of public utilities, the grant of franchises and the issue of municipal bonds very common. A form of popular control that seems to be growing rapidly in favor is the optional referendum. In the careful provisions to guard the city's franchise rights in the charter of Parkersburg [W. Va. '03 ch.66] is a clause requiring that all new franchise grants remain inoperative for 20 days, awaiting the petition of 20% of the voters for the referendum.

Municipal reorganization. In last year's *Review* attention was given to the new municipal code of Ohio. The difficulty of making a charter to fit 70 cities ranging in population from 5000 to 400,000 is, according to the ordinary American way of thinking and doing, about the same as the difficulty in making a suit of clothes that would fit all of 100 boys and men ranging in age from 5 to 50 years. The Ohio Legislature, experiencing this difficulty, submitted to the people a constitutional amendment authorizing the division of cities according to population into three classes for purposes of legislation. But the people refused their sanction to the measure. They evidently believe that, while it may be proper for the General Assembly to get up the fashion book, every city

should be its own tailor. Home rule is the only thing that can make uniform general legislation tolerable.

One of the most important steps of the year looking toward municipal reorganization is the proposed amendment to the Constitution of Illinois ['03 p.358] to give the Legislature full authority, subject to the approval of the people of Chicago, to provide a special charter for that city and consolidate into one municipal government with adequate powers the various authorities now operating within the city's limits. The amendment, if carried, will open the way to the consolidation of the city, the board of education and the various township, park, and other local governments and authorities, that have reduced Chicago's public affairs to chaos. The municipal debt limit may be raised to 5% of the actual valuation of property, rather than 1% as at present. The provision for the referendum on any new charter or charter amendments guarantees home rule to the city.

Miscellaneous legislation. While the year 1903 placed a great many minor provisions in regard to cities on the statute books of the various states, it is believed that the most significant have been mentioned, except possibly the civil service reform amendment incorporated into the Los Angeles charter. This amendment seems to establish a sufficiently clear and comprehensive merit system for practically all of the municipal departments of the second city of California. The tendency of the significant legislation of the year seems strongly toward the realization anew of the best ideals of local self-government and citizen responsibility. The influence of the ideas promulgated by the National Municipal League in its *Program* is apparent, if not everywhere, at least in many places.

County government

There seems to be nothing of special significance in the county and township legislation of the year except the Vermont act ['03 ch.153] putting the county clerks of the state on salaries and requiring all fees received by them to be turned into the state treasury. This marks another step in the displacement of the fee system, which has proved in so many places an incentive to greed and an instructor in corruption.

LOCAL FINANCE

FREDERICK R. CLOW PH.D. OSHKOSH WIS.

Of the several general laws for the government of cities, only that of Ohio ['02 p.20] exhibits marked financial improvements. The mayor makes the budget from the estimates of the heads of departments. He is not permitted to increase any estimates, nor is the counsel permitted to raise any item in the budget submitted to it by the mayor. In the council the budget becomes a tax levy and from there goes to a board of four non-salaried, appointive tax commissioners. They also have no power to increase the levy; their action in rejecting items must stand unless overruled by a three fourths vote of all the members of the council. Specific appropriations are to be made semiannually. Unfortunately the official year is not made uniform: the budget year begins Ap. 1, officers enter on their duties the first Monday in May, while the year for all accounts and reports begins Jan. 1.

The most radical legislation concerning local finance during the year under review is found in two laws of the state of Nevada ['03 ch.78, 123]. One of these laws applies to counties and the other to towns and cities. The tax rate of towns and cities in 1903, exclusive of the tax for debt charges, was not to exceed $1 on $100 of assessed valuation. Hereafter the rate is to be diminished 5 cents annually till it reaches 50 cents which shall be the permanent maximum. The rate for counties was not to be higher in 1903 than it was in 1902 and is to be similarly reduced to a 50 cent maximum. No county, city or town is excepted. It is not conceivable that these laws can be enforced in spirit, and their evasion or early amendment may be looked for. But these laws contain other provisions that are thoroughly wholesome. No contract for the expenditure of money shall be made unless the money is in the treasury appropriated for the purpose. Temporary debts may be created with the approval of the State Board of Revenue, and must be provided for by an extra "emergency tax" in the next annual levy. Reports are to be made annually to the state comptroller, and he is to publish the substance of

them in a classified table. The State Board of Revenue prescribes the forms of these reports; it also employs an examiner to inspect the accounts and records of the local governments. Any existing floating debt was to be funded or provided for by an extra tax in 1903. Counties are required to prepare an annual budget during the first two months of the year, and the several sums specified in it shall be appropriated for the purposes named.

A further extension of the practice of making an annual budget of expenditures at the beginning of the fiscal year is found in Tennessee ['03 ch.583] where a law requires counties of a certain size to estimate the expenses of the year by departments, the miscellaneous income expected, and the tax rates necessary. The miscellaneous income is not to be set at an amount greater than was received the preceding year, and in fixing the tax rate allowance is to be made for errors and releasements of property from taxation.

State supervision of local accounts continues to grow in favor. In addition to the Nevada laws mentioned above, New York required financial reports to be made to the secretary of state from cities under 500,000 ['03 ch.347]. Florida created the office of state auditor whose chief duty is to prescribe forms of accounts for the counties and see by inspection that the accounts are properly kept ['03 ch.14, 71]. California required any local government which has decided to issue bonds to give notice of that fact to the state treasurer and the State Board of Examiners ['03 ch.280].

Oklahoma has passed a loose law allowing cities of the first class to make transfers from one fund to another and legalizing transfers made in the past ['03 ch.6 art.2]. Minnesota allows counties under 75,000 to make transfers by unanimous vote of the board ['03 ch.355]. It also extends to villages, towns, and school districts the privilege granted to the state, counties and cities in 1895 of paying the cost of surety bonds of the treasurers ['03 ch.239]. Maine allows towns to accept surety bonds for the treasurers and to bear the cost ['03 ch.161]. Minnesota passed a good law ['03 ch.18] relating to the depositing of pub-

ic money in banks; it applies to cities and villages under 10,000. The vicious practice of issuing warrants or orders on the treasury when there is no money to pay them still continues and gives rise to legislation to diminish its evils. Colorado prohibits the officers of counties, cities, towns, and school districts from dealing in any evidences of indebtedness of their respective areas ['03 ch.97]; Florida requires county treasurers to register such warrants on presentation, and when funds come in to pay them, to notify the holders, after which interest on them must cease and they are to be paid in the order of registration ['03 ch.78]; Minnesota did the same for village treasurers ['03 ch.190]. Special assessments continue to be the subject of a vast amount of corrective legislation in which it is difficult to discern any general tendency. Montana passed a law allowing the creation of special improvement districts for planting trees and constructing grass plots in streets ['03 ch.123]; Wisconsin to limit to one year the time within which actions may be brought to set aside special assessments ['03 ch.357].

The lavish borrowing of local governments in recent years is giving rise to evils which require corrective legislation. Indiana has made it the duty of the council of a city which does not pay off a judgment within two years to make a special levy of taxes for that purpose ['03 ch.69]. In case a municipality in Minnesota leaves the office of treasurer vacant, presumably to escape judicial process, a creditor may require the county treasurer to pay a judgment and deduct the amount from the funds in his hands belonging to the municipality, or the creditor may require the county auditor to assess the amount of the judgment on the taxable property of the municipality ['03 ch.337]. New Mexico gives similar powers to the territorial officers in case the local officers fail in their duty ['03 ch.89]. The number of laws relating to the compromising of indebtedness is amazing. South Dakota allows any local government to issue bonds to pay a judgment which has been compromised ['03 ch.81]. California has also passed a law relating to compromising indebtedness. Kansas passed a law to allow cities of the first class to com-

MUNICIPAL FUNCTIONS[1]

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Amid the usual mass of legislation for particular cities and on minute details of municipal powers a few statutes of more general importance attract attention. These are a New Jersey act ['03 ch.168] for the government of all cities which adopt it; a Virginia act ['03 ch.269] amending and reenacting the statutes in reference to cities and towns, to meet the conditions of the new state Constitution; a Kansas act ['03 ch.122] for the government of cities with more than 15,000 population (Kansas City, Topeka, Wichita, Leavenworth and Atchison); and an Illinois act ['03 p.285] authorizing and regulating municipal ownership and operation of street railways. The general tendency of these and other measures is in the direction of increasing the functions of municipalities in the United States, specially in the field of municipal ownership and operation of what are vaguely called public services, but at the same time to do so by continuing the policy of specific enumerated grants of power; and there is no evidence of any change to the policy of the countries of continental Europe, where cities have general authority to undertake any functions affecting the interests of the city, subject only to the specific restrictions and regulations imposed by the central administration. Along with this increase in the active operations of cities, may be noted a tendency to restrict the discretion of city councils in granting franchises conferring special privileges in the public streets.

Public safety

Some new legislation during 1903 in reference to small bodies of state police suggests a brief account of the development of administration in this field, usually in the United States intrusted to local communities. Apparently the first action of this kind was taken by Massachusetts in 1865, when a small

[1] *See also* Liquor Legislation, Public Health, Charities, Corrections, Schools and Libraries.

force of state constables was established mainly for the enforcement of the law prohibiting the liquor traffic. On the repeal of the prohibition law in 1875 the state police was continued as a detective force to aid in the suppression of disorder and the enforcement of criminal laws, and its functions have since been extended to include the inspection of factories; while more recently the office of fire marshal, for the investigation of fires, has been incorporated with the state police.[1]

Rhode Island in 1886 established a chief of state police with powers of direction over the sheriffs and local police, in connection with the enforcement of the prohibition law then reenacted in that state.[2] But this office lasted only a few years. Another brief experiment with state police was made by New Jersey from 1891 to 1894 ['91 ch.65; '94 ch.9].

Soon after the establishment of the system of state liquor dispensaries South Carolina (in 1896) established a force of state constables to aid in the enforcement of liquor laws.[3] One of the statutes of last year ['03 ch.12] further regulates the organization of this force. The governor appoints the chief state constable, who receives a salary of $1500 a year, and this officer appoints seven assistant chief constables and other state constables to assist him in his work. Connecticut has also just organized a body of state police ['03 ch.141] similar to that in Massachusetts, specially for the enforcement of the laws relating to intoxicating liquors and gaming, and taking over the functions of the state fire marshal. There is provided a superintendent of police at $3000 a year, an assistant superintendent and from 5 to 10 police officers, all selected by a board of five unpaid commissioners, who in turn are to be chosen biennially by the judges of the superior court.

Of a somewhat different nature are the bodies of mounted rangers established in less settled regions for the suppression of

[1] R. H. Whitten, Public Administration in Massachusetts, ch.6. (Columbia Univ. Studies, v.8)

[2] C. M. L. Sites, Centralized Administration of Liquor Laws, p.72. (Columbia Univ. Studies, v.10)

[3] *Ibid.*, p. 78, 118.

violent disorder and the protection of the Mexican frontier. The Texas rangers, organized in 1901 [ch.34] may consist of four companies, each composed of 22 men, the captains and the quartermaster in command of the whole force being appointed by the governor of the state. In Arizona the rangers as reorganized in 1903 [ch.64] consist of 26 men mustered into service by the governor of the territory. Both in Texas and Arizona the governors strongly commend the work of these rangers.

No new legislation has appeared providing for the state appointment of police officials in local districts, but as the new Ohio municipal code has gone into operation, the governor of that state has been called on to appoint boards of public safety in Toledo, Hamilton and half a dozen smaller cities,[1] owing to the failure of the mayors and councils to agree on the appointments.

An Illinois statute ['03 p.97] provides for a merit board of fire and police commissioners in cities between 7000 and 100,000 population. The act is subject to acceptance by the electors of each city, and the question of its adoption must be submitted on the petition of voters equal in number to 20% of the vote cast at the preceding general city election. The board in each city will consist of three members appointed by the mayor with the consent of the council, one member retiring each year, and not more than two belonging to the same political party. Each board will provide for appointments in the fire and police departments on the basis of open competitive examinations, for promotions on the basis of ascertained merit and seniority in service, and for removals only for cause after an investigation of written charges. Appeals may be taken from the orders of such boards to the Circuit Court. It may be questioned whether this act ought not to be considered as a restriction on the powers of city councils since under the general municipal law of Illinois the councils were already given power to establish any municipal office they might consider necessary.

[1] Findlay, Fostoria, Lorain, Middletown, Painesville, VanWert and Warren.

Public works

der the new Kansas act street improvements in cities over 0 are dependent on petition of the property owners, but in s from 15,000 to 25,000 both street improvements and rage may be undertaken not only after such a petition, but nayor and council may take the initiative, and may carry out works unless a protest is made by a majority of the property ers affected, while for certain purposes (grading and paving ions of streets lying between improved portions) they may eed even in spite of such a protest. Provision is made for al assessments on abutting property, payment of which may pread over a period of 10 years. The cities affected by this nay exercise the power of eminent domain not only for streets sewers but also for outfall sewers, bridges, depots, markets, ic buildings, public parks, and even for securing possession one quarries or other material for street improvements. The cities are also given power to require railroads to abolish e crossings. Under the revised Virginia law on cities and s, improvements to be paid for by special assessments may rdered either (1) by agreements between the city and the ting landowners, (2) on a petition from two thirds of the owners affected, or (3) by two thirds of all members of the cil, after notice and a hearing to the landowners.

nnsylvania has amended somewhat the procedure to be fol- d by cities in exercising the power of eminent domain, and extended the purposes for which this power may be used to ide municipal buildings, fire engine houses and gas and ric light works within the city limits, and also waterworks, houses and hospitals, whether within or without the city ts ['03 ch.30, 64, 76, 91]. A Missouri act ['03 p.60] pro- ig at length for boards of public works in cities of the second s loses much of its apparent significance when it is recalled St Joseph is the only city in this class.

reet improvements. Minnesota has passed several statutes ily in reference to street improvements ['03 ch.36, 125, 382]. ne act towns may by a majority vote of the electors issue

bonds for constructing roads, bridges and town halls; by another act the requirement for bond issues for similar purposes in villages is increased from a majority to five eighths of those voting. In villages and cities under 10,000 population street improvements to be paid for by special assessments, spread over three years, may be undertaken either on the petition of the property owners or by a two thirds vote of the council.

Sewerage. Minnesota, Nebraska, Oklahoma, South Dakota and Idaho have each passed statutes authorizing and regulating further the construction of sewer systems in cities. The Minnesota ['03 ch.312] and Nebraska ['03 ch.22] acts apply only to small cities (less than 10,000 and less than 5000 population respectively). In the other states the acts are of more general application: in Idaho ['03 p.26] applying to all cities, towns and villages, in South Dakota ['03 ch.213] to any city, and in Oklahoma ['03 ch.6] to all municipal corporations with more than 1000 population. In Minnesota, South Dakota and Oklahoma, the city councils have power to proceed on their own initiative, and in Oklahoma they must take steps to construct district sewers on the petition of the property owners. In Idaho when the property owners do not petition for sewers, the councils can act only by a three fourths vote. In Nebraska special assessments for lateral sewers can be levied only on a petition of the property owners, while city bonds for main sewers (up to $50,000) may be issued only on a petition of 10 freeholders and a referendum vote of the electors. In Idaho provision is made for improvement bonds to be paid within 10 years, and in Oklahoma payments may be spread over three years. All of these statutes contain provisions for estimates and plans, and prescribe methods for estimating and levying special assessments. The Idaho law requires a "sewer committee" of three resident taxpayers appointed by the mayor or chairman of the village board of trustees. In the other states the councils in cooperation with the city engineers can act directly.

Indiana has enacted a law authorizing the joint construction of sewers by adjoining municipalities ['03 ch.231], and New Jer-

sey besides amending general laws for joint sewer systems ['03 ch.19, 230] has given large powers to the special commission charged with the construction of joint outfall sewers and sewage disposal works for the municipalities of the Passaic valley ['03 ch.102, ex. sess. ch.1; *cf.* '02 ch. 48]. This Passaic Valley Commission consisting of five members appointed by the governor and Senate is authorized to issue 50 year 4% bonds to the amount of $9,000,000 for carrying out its extensive plans.

Parks. In Illinois, Minnesota, Missouri, Kansas, California and Idaho statutes were passed authorizing a considerable number of cities in each state to establish or develop further public parks including (except in Missouri) authority to issue bonds. The Illinois acts ['03 p. 254, 256, 263, 266, 267] were mainly minor amendments applying in form to all park authorities, but the most important measures were those intended for Chicago in reference to small parks and the extension of the lake front park in that city. Of the Minnesota statutes ['03 ch.4, 130, 161, 191, 235, 243, 354] some apply to cities under 10,000 population, others to cities over 50,000. Those of the first named group will become effective only on a petition of taxpayers or freeholders and a popular vote; the powers conferred on the larger cities can be exercised by a unanimous vote of the park board and a two thirds vote of the council. In the small Minnesota cities park boards will now be appointed by the mayor and council instead of being elected by popular vote as formerly. The Missouri act ['03 p.76], which applies to all cities under 100,000 population, provides for the appointment of park boards by the mayor and council and limits their expenditure to the proceeds of an annual tax not exceeding 1 mill. In Kansas the general act applying to cities with over 15,000 population gives park powers, while another act ['03 ch.135] gives similar powers to cities from 2000 to 15,000 population on the petition of one third of the taxpayers and a referendum vote of the electors. Under the Idaho act ['03 p.411] any city council may purchase and maintain parks but may not own more than 80 acres outside of the city limits for all purposes. In California ['03 ch.86]

cities under 3000 population may own and maintain parks, and also gymnasiums, baths and bath houses.

Municipal ownership. During 1903 a number of statutes have been enacted in various states authorizing municipal ownership and operation of various services which are often—in the United States, most often—intrusted to private corporations acting under a franchise granting special privileges in the public streets. Before discussing this recent legislation it will be worth while to note the previous development in this direction.

The service of this kind most frequently under municipal management is waterworks, and an investigation undertaken in 1902 showed the following results in reference to these:[1]

GROUPS OF CITIES	Total number of waterworks	Number of municipal works	Per cent municipal
Over 30,000 population	185	95	70.4
10,000–30,000 population	302	152	50
5000–10,000 population	458	234	50.1
3000– 5000 population	580	318	50.5
New England states	226	143	63.2
Middle states	335	140	41.7
North Central states	372	243	65.3
Northwestern states	150	86	57.3
South Atlantic states	107	64	59.8
South Central states	91	36	39.5
Southwestern states	124	55	43.5
Pacific states	70	32	45.7
United States	1 475	799	54.2

A more exhaustive investigation, including the smaller towns, made in 1898 by the United States Department of Labor showed a total of 1787 municipal waterworks and 1539 under private control. It should be noted, however, that the higher proportion of municipal works among the large cities increases the significance of municipal works as a whole. In 1898 the total investment in municipal plants was nearly double that in private works.[2]

[1] Municipal Year Book 1902, p.xxix, xxxi.

[2] Report of the Commissioner of Labor 1899, p.12.

the census report on central electric light and power , the following data has been compiled showing the number ribution of municipal plants in 1902:[1]

ROUPS OF CITIES	Total number electric stations	Number municipal	Per cent municipal
land states	314	35	11.1
ates	641	79	12.3
ntral states	1 112	341	30.7
tern states	511	145	28.4
lantic states	209	64	30.6
ntral states	205	64	31.2
tern states	381	62	16.3
ates	251	25	10
d States	3 624	815	22.5

icipal electric light works are found mostly in small cities, gures exaggerate the importance of municipal lighting. d by horse power and output in kilowatts the municipal urnish about 8% or 9% of the electric lighting and about he public street lighting. In the states where municipal re most frequent the proportion is naturally much higher, ximum for any state being found in Michigan, where al plants furnish about 30% of the total electric lighting rly two thirds of the public street lighting.

services of this nature are very rarely in the United nder the direct management of municipal authorities. there were only 20 cities with municipal gas works out al of 981 cities having gas works, and the small town of unction Col. was the only instance of a municipal street [2] Boston and New York have, however, constructed im- undergound railroads or subways, which have been leased te companies.

nost important statute of the past year authorizing an n of municipal management in this direction was an Illi- [’03 p.285] authorizing the cities of that state to own

s Bulletin 5 Nov. 30, 1903.
ipal Year Book 1902, p.xxix, 293.

and operate street railways. Not that this act is likely to be followed at once by the establishment of a number of municipal railways, for the act was intended primarily only for the city of Chicago, and even this city, the friends of the measure have explained, does not propose to establish a municipal road in the near future, but wished the authority in order to strengthen the hands of the municipal authorities in negotiating for extensions and renewals of franchises to private companies. Nevertheless the act is of special significance because in addition to the formal grant of authority there is a careful attempt to provide a satisfactory method of meeting the serious financial difficulties involved in this new departure so that the grant of power will be effective and adequate whenever it is considered advisable to make use of the authority.

This act applies to all cities in the state of Illinois, but before any of the powers conferred can be exercised the act must first be adopted as a whole by popular referendum in the city concerned, while additional referendum votes must be taken in reference to various special features of the law. The authority given is " to construct, acquire, purchase, maintain and operate street railways within the corporate limits," and franchises granted before this power is acted on may contain a reservation of the right on the part of the city to take over the plant at some future time. Two methods are provided for securing funds for purchasing or constructing municipal railways. General city bonds may be issued, provided the proposition is submitted to popular vote and approved by two thirds of those voting, but the debt limit is almost certain to prevent this method from being adopted. The other alternative—and this is the most striking feature of the act—is to issue street railway certificates, secured by a mortgage on the railway, giving the mortgagee in case of foreclosure the right to maintain and operate the road for a period of not over 20 years. An ordinance providing for such certificates must, however, be submitted to popular vote and be approved by a majority of those voting on the question. It is expected that such certificates will not be considered by the courts as part of the city debt limited by the state Constitution.

When a city has secured a street railway it may operate it under direct municipal management only if that policy is approved at a popular referendum by three fifths of those voting. Or the city may lease the road for a period not over 20 years, but any ordinance authorizing a lease for more than five years must be submitted to a referendum vote on the petition of 10% of the voters.[1]

Three other states have authorized the smaller cities within their limits to own and operate certain of the undertakings classed as public utilities. A Missouri act ['03 p.95] is the broadest in its scope, applying to all cities of less than 30,000 population. This authorizes such municipalities to undertake any public utility, and specifies not only waterworks and light, heat and power plants but also telephones and street railways. Such undertakings will be under the control of a board of public works consisting of four members appointed by the mayor and council, not more than two of the same political party. This act is, however, not likely to extend very largely the scope of municipal action, as there is no provision for financing these undertakings either by the issue of bonds or in any other way. A Kansas act ['03 ch.136] authorizes in cities under 15,000 population, municipal waterworks, and gas, oil and electric plants, to secure which bonds may be issued on a vote of the electors, up to the general debt limit of 15% of the assessed value of property. The general municipal act for larger Kansas cities only provides for municipal water and lighting plants at some time in the future [see "Franchises"], but Atchison and Leavenworth have received special authority ['03 ch.38] to establish municipal waterworks.

The California act amending the powers of cities under 3000 population ['03 ch.86] adds authority to establish and manage waterworks, wharves, street railways, telephone and telegraph lines, and lighting and heating plants, but like the Missouri act

[1] For an account of the dramatic incidents connected with the passage of this bill through the Illinois House of Representatives, see the *Atlantic Monthly* for January 1904.

fails to give financial powers adequate to make these grants fully effective. Another California act ['03 ch.279] authorizes joint ownership of waterworks by two or more cities with the consent of the voters.

Some other acts of narrower scope may also be noted. The city of Memphis is authorized [Tenn. '03 ch.338] to issue bonds for $3,500,000 to acquire and extend the local waterworks. New Jersey cities adopting the new general law have power to furnish a water supply and may issue bonds for this and other purposes up to 15% of the assessed valuation of property with the approval of the voters. Under the new general municipal law in Virginia, cities are authorized to provide waterworks, and bonds issued with the approval of the voters for this or other revenue-producing undertakings are not included within the debt limit so long as the revenue is sufficient to pay cost of maintenance, interest on bonds and insurance, and to provide a sinking fund. In Minnesota several cities have been authorized to acquire waterworks, and villages have been given the right to condemn property for this purpose ['03 ch.28, 50, 284, 388]. In Nebraska, villages as well as cities may now establish municipal lighting and heating systems ['03 ch.25; *cf.* '01 ch.22]. In Utah ['03 ch.103] cities and towns may purchase or lease waterworks using the power of eminent domain if necessary; on the protest of one third of the resident taxpayers a referendum vote must be taken to confirm the action of the council. And in Maine, cities were authorized during the threatened coal famine to establish municipal fuel yards ['03 ch.122].

Franchises. A large number of states have enacted some legislation in reference to the granting of franchises for the use of the streets and the regulation of public services in the hands of private parties. The most important statutes were in Virginia and Kansas.

A Virginia act regulating the granting of franchises ['03 ch.138] was afterward incorporated with some additions in the new general municipal act. It is now provided that the streets and public property of cities and towns shall not be alienated

except by a vote of three fourths of the council, and streets may not be used for street railways, water systems, gas pipes, telephones and similar purposes, except with the consent of the municipal authorities. Franchises must be limited to not more than 30 years; and elaborate provisions are established to insure publicity and competitive bidding. Advertisements inviting bids must be published for four weeks; bids must be opened and read in public session of the council; if the highest bid is not accepted the franchise ordinance must state the reasons for preferring a lower bid, and no amendments may be made in the terms of the grant without public advertisement for 10 days. The courts are given authority to enforce by mandamus the terms of the grant. Such a franchise grant may provide that at its expiration the plant as well as the property in the streets may revert to the city either without compensation or on a fair valuation of the property, but without including any value for the franchise. The city may then sell or lease the property, or, *if authorized by law*, may maintain and operate it.

The Kansas act for cities over 15,000 population limits the term of franchises to not more than 30 years, but contains none of the provisions for publicity such as are contained in the Virginia act. It does, however, authorize the councils of such cities to prescribe reasonable rates for water, electricity, gas, telephones or other commodity furnished by virtue of a franchise; the question of the reasonableness of the rate fixed being subject to review by the district judges. Waterworks may be purchased by a city 10 years after a grant has been made; but in the case of gas or electric works or street railways the city may acquire only on the termination of a *future* grant, and when it secures possession can only lease the plant or make a contract for operation. Provisions are made for appraising the value of the plant in case of purchase. By another act ['03 ch.136] cities of less than 15,000 population may grant franchises for only 20 years, and the mayor and council may make contracts and fix rates to private consumers.

A Minnesota act ['03 ch.185] authorizes city councils to contract for water supply for a term not over 30 years, and for

lighting for a term not over 15 years, if there is no municipal plant. No further conditions are imposed. Wisconsin ['03 ch.387] and Montana ['03 ch.85] have provided for a referendum on franchises, in the first named state on the petition of 20% of the voters, in the second named, the approval of the *resident freeholders* is an essential requirement. In Arkansas the councils of cities have been given power ['03 ch.156] to fix reasonable rates for water, gas and electricity, on complaint and after an examination. In Missouri, cities under 30,000 population have been given the same authority with the further addition of telephone rates, and the same class of cities have been given power to grant 30 year franchises to heating companies to lay pipes in the streets ['03 p.77, 78].

In other states legislation on this subject during 1903 has dealt only with specific or minor matters. Pennsylvania cities under 100,000 population have been given power to compel electric wires to be placed underground, to regulate conduits owned by private companies, and to acquire them by purchase or condemnation; in all cities and boroughs of this state refrigerating systems may be established only with the consent and subject to the regulation of the municipal authorities ['03 ch.235, 262]. In Washington the legislative authority in cities and towns may grant rights in the streets to electric light and street railway companies ['03 ch.103, 175]. In California, the law regulating the sale of franchises has been amended in reference to the methods of advertising and bidding ['01 ch.103; '03 ch.82]. And in Oklahoma city or town authorities may grant franchises for the construction of electric railways ['03 ch.9 art.4].

ROADS[1]

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Remarkable progress has been made throughout the country in the improvement of the public highways since the United States Office of Public Road Inquiries was established in 1893. Previous to that time only one state, namely New Jersey, was aiding the counties in the improvement of the public highways, but since then the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware and California have established highway commissions and are aiding the counties, towns and townships by money donations from the state treasury. In New Jersey the state contributes one third of the cost, in New York one half of the cost, in Connecticut two thirds and in some cases three fourths of the cost, while the counties, towns, townships and property owners contribute the balance. Other states, namely Maryland, North Carolina, Michigan, and Illinois, have established highway commissions for the purpose of collecting and disseminating information, but as yet these states have no appropriation to aid in the actual construction of roads.

Since Jan. 1, 1903, there have been introduced in the Legislatures of 30 states over 70 bills of general character looking to the improvement of the roads in those states, besides a considerable number of bills to enable individual counties to take up road work by issuing bonds or levying special taxes. The majority of these bills failed to become laws, but the fact that they were introduced leads to the belief that the time is not far distant when steps to improve all the important roads throughout

[1] *See also* Governors Messages and Summary of Legislation, 2700.

the United States will be taken. The following is a brief review of some of the most important work recently done in different states:

Alabama. Under the new Constitution public roads are included with buildings and bridges as improvements for which a special tax of 2½ mills on $1 may be levied, in addition to the regular tax of 5 mills out of which both bonds and interest had formerly to be paid. The recent Legislature made this effective by passing a general law permitting counties to vote at any time for a bond issue and a special tax for roads.

Arkansas. Representative Hinkle introduced a bill drawn up by Hon. J. C. Yancey, which provided for the formation of improvement districts in the neighborhood of roads to be improved by state aid, 60% to be paid by the improvement district and 40% by the state. Owing chiefly to the late date at which this bill was introduced it failed of passage, as, for the same reason, did the bill drawn by Judge W. A. Falconer and introduced by Senator Hardy and Representative J. F. Weaver. This latter bill provided for a state levy of 2 mills, the cost of improved roads to be borne as follows: 50% by the state, 35% by the county, and 15% by voluntary subscriptions from persons residing along the road; the administration to rest in the hands of a commission consisting of the commissioner of agriculture, the secretary of state and the attorney general, and a state engineer to be appointed by the commission; improvements to be made on petition of five persons, subject to the approval of the County Court and state board and engineer; provision was also made for the expenditure of money received as federal aid.

California. Assemblyman Greer introduced a state aid bill very similar to the Higbie-Armstrong law of New York, but it failed to become a law. An appropriation of $25,000 was however made to continue the work on the state roads. A law was also enacted permitting supervisors to build or buy mountain roads out of the county general fund or general road fund, when the cost thereof would be too great for the fund of the road district in which the road is to be located.

Connecticut. The general law was amended to provide for planting trees along the state roads, to permit the purchase of two stone crushers for use in towns distant from railroads, and to permit the appointment of deputy commissioners. The state appropriation was increased to $243,912.50 annually for two years. The Legislature has appropriated since 1895 $1,538,910 for building state roads; during the same period the counties have appropriated $1,903,708 for their share of the state work. The towns are required to repair state roads, but if they fail to do so the state repairs them and charges the amount to the towns. In the building of state roads in Connecticut the state pays two thirds of the cost in towns having a taxable valuation of over $1,000,000, and three fourths in towns having a taxable valuation of less than $1,000,000.

Delaware. State aid bills were introduced by Senator Artemus Smith and Representatives Flinn, Newton and Abraham L. Tyre. The Tyre bill, which has become a law, provides for the appointment of three commissioners to have charge of the state highway work, one in each county; it further provides that the expense of constructing state roads shall be borne equally by the state and county. To make this effective $30,000 annually for two years has been appropriated by the state.

Florida. Senator W. A. MacWilliams introduced a bill providing that all moneys now in the "internal improvement fund" or which may be derived from the sale of state swamp and overflowed lands shall be devoted to the construction of hard roads, being divided among the several counties in proportion to their assessed valuation. This was passed, as were also two other bills, the first of which empowers the county commissioners to levy a tax, not to exceed 3 mills, for roads and bridges; half of the amount thus raised in incorporated cities and towns to be expended within their limits; taxpayers to be exempt from road work in counties where such a levy of more than 2 mills is made. The second provides that on petition of more than one fourth of the taxpayers in any road district an election shall be held to determine whether a special road tax, not to exceed 5 mills a

year, shall be levied; in case of an affirmative vote three road trustees shall be elected, and biennial meetings of the district shall be held to elect trustees and to determine the amount of the tax.

Georgia. Representative Thomas S. Felder introduced a bill providing for the withdrawal of long-term convicts from private contractors and working them on the public roads. Final action has not yet been taken on this.

Illinois. Senator Thomas Rees secured the enactment of a law providing for the appointment of a good roads commission consisting of three persons, one of whom shall be a highway engineer and one of whom shall have served as highway commissioner, to investigate the road problems of the state, such as the best and most economic native materials, the best system of road drainage, the most practical methods by which the cost may be distributed among all the people, federal, state and county aid, convict labor, etc. The commission is to serve without compensation for two years, but $5000 is appropriated to pay its expenses. It is to report to the next Legislature submitting a bill to amend the present road law. A bill was also passed providing for the use of convicts in the preparation of road materials in the quarries located on the grounds of penal institutions, the material to be donated to the county free of cost.

Indiana. The most important road laws enacted this year were the ones providing that 5% of the regular road fund shall be set aside for keeping rural mail delivery routes in good condition, and the one, introduced by Representative Hugh K. Miller, which provides for the direct election of supervisors by road districts; cities or incorporated towns in township where road district is located not to be included in road district.

Kansas. Representative O. G. Ballard introduced a bill providing for building a state road with convict labor from Leavenworth to Kansas City via Topeka and Lawrence, but it is said the bill was killed through the efforts of a strong lobby representing contract manufacturing in the penitentiary. Representative Fred H. Pralle was more successful with his bill, which was

enacted into law; the most important provision is that authorizing townships to levy a special road tax of not to exceed 3 mills on $1.

Maine. Amendments to the state aid law of 1901 provide for increasing the amount payable to towns for permanent improvements to main roads from $100 to $200 a year, and for an annual appropriation of $20,000 for this purpose as against $15,000 hitherto appropriated.

Maryland. The Highway Commission of Maryland was established by act of General Assembly of 1896 for investigating the condition of and the best methods of improving the roads of the state, and studying the road materials in the several counties. The commission furnishes to the road officials of the various counties information in reference to the best methods of road construction, plans, specifications and engineering supervision. $10,000 has been appropriated every two years by the Legislature for carrying on the work of this commission.

Massachusetts. The Legislature appropriated $2,250,000 to be expended for state highways during the next five years. The reduction of $50,000 a year from the average appropriation of the last five years is to a certain extent offset by the definiteness of the appropriation for an extended period. From 1894 to 1903 the Legislature has appropriated $4,940,000 for building state roads. During this time 480 miles of road have been built by the state, and practically 600 miles by the towns and cities. The town or city roads were built under specifications practically the same as those in use by the Massachusetts Highway Commission.

Michigan. Representative Theodosius Wade secured the passage of a bill providing for the appointment of a state highway commissioner to whom all local street and highway commissioners, overseers and superintendents shall make annual reports. The commissioner shall gather all possible information about the construction of highways and furnish the same on request, together with plans and specifications; he may hold schools of instruction and build sample roads provided no expense to the state is involved; appropriation $5000 a year. The constitution-

ality of this law has been questioned. Mr Wade's joint resolution for the submission of a constitutional amendment providing for direct state aid was however defeated, as was also the bill prepared by Hon. H. S. Earle and introduced by Representative David S. Nottingham providing for an appropriation of $10,000 to be used by the State Board of Agriculture in experimental road building and in teaching road construction under the direction of the Agricultural College. Representative Austin secured the enactment of a law permitting townships on petition of 25 freeholders and by a two thirds vote to bond themselves for hard roads to an amount not exceeding 5% of the assessed valuation.

Minnesota. Representative Myquist unsuccessfully introduced a bill appropriating $85,000 ($1000 for each county) for state aid for hard roads, the cost to be paid one third each by the state, county and township. A marked gain over former efforts, however, was shown by the passage in the Senate of the state aid bill prepared by the State Good Roads Association, and introduced by Senator A. O. Eberhart and Representative Ole Patterson, providing for a board of three commissioners, a state tax of $\frac{1}{20}$ mill in addition to the present road and bridge fund, and the payment by the state of one third of the cost of improved roads, the other two thirds to be paid by the counties interested, which were authorized to issue 10 year bonds to provide for the cost; it is claimed that this bill was defeated in the House because its members desired to parcel out the state road and bridge fund among themselves as political perquisites. Representative Walter T. Lemon secured the passage of a bill providing that in counties having a population of 150,000 to 200,000 the county commissioners shall provide a highway fund for which they may levy a special tax of not more than 1 mill, from which they may expend not more than $200 a year for the construction, improvement or maintenance of any one town road, and not more than one fifth of the entire amount for the improvement, construction or repair of any road in a city or village which intersects with or is a continuation of any country road. Senator L. E. Judson was successful with his bill authorizing county

commissioners to purchase and operate road machines and to lease the same to contractors. Representative William Wohlhuter also carried through his bill for a cash road tax (in addition to the poll tax, which may still be worked out) not to exceed 5 mills and to be expended under the direction of a town overseer of highways; this law is mandatory on the counties of Hennepin and Ramsay and optional with the other counties.

Montana. A new road law has been enacted for the purpose of establishing a uniform system of road administration. The provisions that are most in line with modern methods are those empowering the county commissioners to levy a cash bridge tax of not more than 1 mill on $1, and compelling them to levy a cash road tax of not less than 1 mill on $1 nor more than 3 mills in addition to a poll tax of $2 which latter may be commuted by one day's highway labor.

Nebraska. A bill introduced by Representative E. H. Kittell for increasing the maximum of the township road tax from 2 to 5 mills on $1 was killed in committee, partly, it is said, because of the hostility of the railroad lobby. Acts were, however, passed providing for cooperation with the federal government whenever national road construction shall be undertaken, and reducing the width of country roads nearly one half.

New Hampshire. The so called "Churchill" state aid bill, modeled on the Connecticut law by a committee of which Hon. Winston Churchill was a member, passed the Senate but was killed in the appropriation committee of the House as the treasury was running low. A substitute bill prepared by the same committee, of which Dr C. S. Collins was chairman, was more successful. It appropriates $10,000 and provides for the appointment of a state engineer who shall prepare a highway map of the state and plan a system of continuous main highway which shall include every town in the state. It is also provided in the bill that the governor and Council shall prepare a bill for the next General Court which will provide fully for the inauguration of a system of state work and state expenditure in the future construction and repair of highways.

New Jersey. Senator Gebhardt introduced a bill appropriating $500,000 annually to establish a state system of roads, the state paying three fourths and the benefited counties one fourth of the cost. The bill failed of passage, but some of its provisions were incorporated in the new state aid law. This new law will be tested for a year before the old law is repealed. It provides for a maximum annual expenditure by the state of $400,000, but the Legislature appropriated only $250,000 as heretofore. The state aid law adopted in 1901 became operative in 1902. It provides that the board of freeholders may, by resolution direct that any public road be improved, or that on petition of the owners of two thirds of the land bordering on any public road not less than a mile in length, asking that the road be improved the county officials shall improve the road, one third of the expense to be borne by the state, and the balance to be paid by the county. The board of freeholders may require the townships or municipalities through which the road runs to pay 10% of the cost. Such roads are built under the direction and according to the specifications of the state commissioner of public roads. The state's expenditure for any one year is limited to $400,000, while the counties are limited to ¼% of their assessed valuation. Under this law 800 miles of road have been built from 1893 to 1902; the total amount expended by the state for this purpose being $2,065,000. The counties have spent a like sum.

New York. The state aid law, approved Mar. 24, 1898, provides that the state shall pay 50%, the counties 35% and the towns and property owners 15% of the cost of improved roads. Up to the present time 242 miles of road have been built under this law and 242 miles are now in process of construction, and petitions are on file in the office of the state engineer for 2300 miles for which the counties and towns have already appropriated their half of the cost. The state has already appropriated for this purpose $2,065,000. The counties and towns have spent an equal sum. The last session of the Legislature adopted a constitutional amendment that provides that the state may bond itself for $5,000,000 a year for 10 years for the purpose of building

wagon roads. This amendment must be passed by the next Legislature and then submitted to the popular vote before it becomes effective.

North Carolina. Representative A. S. Dockery secured the enactment of an object lesson road law which provides that the board of county commissioners in any county may build a public road from their courthouse to a distance not exceeding 3 miles. In order to meet the expense of building these roads they have the right to expend any money in the county treasury not otherwise appropriated, and if they have no unappropriated funds they may build the roads by pledging the credit of the county and levying a special tax on the property to pay for the same, provided that the amount shall be charged to the township through which the roads are run, and that the tax shall be levied on such township, the tax levy not to exceed 1 mill on $1 and 30 cents on the poll. North Carolina also has a highway commission established two years ago composed of the state geologist and the commissioner of agriculture. Its duties are to collect and disseminate information and report to the Legislature.

North Dakota. Senator R. W. Main introduced and secured the passage of a bill amending the county road law, which now provides that in counties not organized into civil townships the board of county commissioners may contract to expend all moneys levied and collected under the provisions of section 1229 as amended, amounting to 5 mills for road purposes in addition to the tax of 1 mill in counties having a population of 5000 or more, thus doing away with the old method of having the work done by the supervisors. It also repeals the provision that the road fund can only be expended on petition of persons owning taxable property affected.

Pennsylvania. State aid bills were introduced by Senators Mason, Grim, Webster, Roberts and Spraul, and Representatives Ober, Pomeroy, Ulrich, Ware, Wood, Cooper and Morrison. The bills of Senators Spraul and Roberts were combined and became a law. It provides for appointment of a state highway commissioner who must be a practical engineer; his duties are to collect

information and compile statistics concerning the character and condition of highways, to investigate and determine on the character of roads best suited to different sections, to furnish information to the various township, borough and city road and street officials, to receive petitions and to decide on the construction of roads under the provisions of the act. $6,500,000 is appropriated to be apportioned among the different counties in proportion to the mileage of roads in each county, and to be expended during a period of six years. Two thirds of the cost of building the roads is paid by the state, one sixth by the county and one sixth by the townships which the highway traverses. One half of the expense of making repairs to state roads is to be paid by the state, and the balance by the county and townships in which the road is located.

Rhode Island. Senator Walsh and Representative William I. Frost secured the passage of a resolution appropriating $100,000 for the construction, maintenance and improvement of highways under the direction of the State Board of Public Roads, which was created by the preceding Legislature.

South Carolina. Representative E. H. Aull introduced a bill, which was continued to the next session, the chief provision of which is that the governor be authorized to appoint two good roads commissioners in each county who may order a special election to decide on bonding the county for the permanent improvement of its highways to an amount not exceeding $200,000 or 8% of the assessed valuation of the county, the fund so raised to be expended under the direction of the commissioners. Representative C. S. Ford secured the passage of a bill permitting counties to work convicts with 10 year sentences on the chain gang; hitherto the counties had been restricted to convicts with five year sentences.

Texas. Representatives I. M. Standifer and G. R. Fowler introduced bills providing for the employment of short term convicts on public roads, and the former also introduced a bill providing for the permanent improvement of roads connecting county seats. These three bills were merged into one, which passed the

House and would have passed the Senate but for lack of time. Senator J. J. Faulk introduced a state aid bill providing for a state road tax of $\frac{5}{10}$ mill on $1, which would have afforded a revenue of $600,000, but as it appeared that such an act would be unconstitutional the bill was withdrawn and a joint resolution was introduced by Senator Faulk providing for the submission of a constitutional amendment to permit a state tax for this purpose to an amount not to exceed 1½ mills. This also failed of passage as did a similar resolution introduced by Representative Terrell of McLennan in the special session. An act was passed, however, permitting counties to bond themselves for improving and maintaining public roads and for purchasing and constructing bridges.

Vermont. Revision of the road law in 1898 provided for a state highway commission which has supervision through the town commissioners of the expenditure of all moneys appropriated by the state for highway improvements. The law also provides for a state tax for general highway improvement, which is redistributed to the towns on the basis of mileage. The towns are required to use their apportionment of state aid in permanent road work, but before they receive the apportionment from the state they have first to expend a sum at least equal to their apportionment to the satisfaction of the state highway commissioner. The 5% state tax provided for by law yielded during 1901 $88,621, and during 1902, $89,507.

Virginia. Delegates Charles T. Lassiter and George E. Murrell introduced a bill (based on the road law of Mecklenburg county, N. C.) providing for the establishment of a state highway commission and for the employment of convicts on the public roads, but withdrew it in order to throw their strength to the Rice and Edmonson bills. The bill introduced by Delegate H. C. Rice provided for the establishment of a state highway commission for which $6000 was to be appropriated; it was defeated by a close vote, the delegates from the cities and nearly all important towns voting for it. Maj. H. A. Edmonson introduced a bill providing for the employment of convicts on the highways and empowering counties to issue road bonds, but it was defeated in the Senate.

Representative Gold introduced a bill authorizing boards of supervisors of the counties to issue bonds to a limited amount for highway improvements, but this also failed of passage.

Washington. Representative Ferguson secured the enactment of a law of which the principal provisions are that for highway and bridge purposes a poll tax of $2 and an ad valorem tax, to be levied by the county commissioners, of not more than 4 mills for general county work and not more than 10 mills for district work shall be paid in cash; that counties, exclusive of incorporated cities and towns, shall be divided into not more than four road districts, for each of which a supervisor may be appointed, who may make improvements and repairs costing less than $150; that all construction, improvement and repair costing more than $150 shall be let by contract; and that all road work shall be under the supervision of the county surveyor. Another bill provided for the appointment of a state highway commissioner and appropriated $100,000 for certain state roads. This bill was passed but was vetoed by the governor on the ground that the state was not ready for the building of state roads.

Wisconsin. Senator J. J. McGillivray introduced a joint resolution providing for a constitutional amendment to permit state aid for highway improvement. This was defeated as was also his bill making it compulsory on county boards to levy a ¼ mill tax for the construction of roads.

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CLASSIFICATION OF LEGISLATION

This is a full list of the headings used in the *Digest of Governors Messages* and the *Summary and Index of Legislation,* together with a subject index. The headings and notation will be continued unchanged from year to year except for insertion of new headings necessitated by new subjects of legislation. From the index the user of the legislation bulletins will readily find the numbers of the headings, and can then turn to the governors' recommendations and laws of 1903 or succeeding years. The notation corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date.

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602 Court records
604 **Supreme courts**

Including only those highest in state of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court

605 General and miscellaneous
606 Officers
607 Reports
609 **Intermediate courts**
611 Appellate courts
613 Chancery court
615 Circuit court
617 Common pleas
619 County court
621 County criminal court
623 Court of appeals
624 Court of claims See 855
625 Courts of criminal appeals
627 Court of general sessions
628 Court of pardons See 373
629 Court of quarter sessions
631 Courts of special sessions
633 District court
635 Juvenile courts See 371
636 Orphans court See 430
637 Probate courts See 430
639 Superior court
641 State referees
643 Supreme court
644 Surrogates court See 430, Probate courts
645 **Inferior courts**
647 Coroners. Medical examiners
649 Medical examiners
651 Inquests
653 Justices of the peace
655 Municipal and police courts
657 **Court officers** For officer of special court see above under that head
659 Fees (general)
661 Bailiff
663 Constable
665 Elisor

Interpreter
Notary public
Clerks of courts
Prothonotary
Public prosecutor See also 50, Attorney general
County attorney
District attorney
Circuit solicitor
Solicitors general
Prosecutor of pleas
State's attorney
Sergeant at arms
Sheriff
Special commissioners
Stenographers. Reporters

Civil procedure

Including such provisions as apply to both civil and criminal cases. See also 428, Probate procedure; 489, Divorce

Legal notices
Commencement of action
Complaint
Limitations
Parties
Place of action. Jurisdiction See also 604-55, Special courts
Summons. Process
Civil arrest
Trial. Pleadings
General and miscellaneous
Arbitration
Change of venue or judge
Equity causes
Pleadings. Motions
Preference
Referees
Obscene and criminal trials
Evidence. Witnesses
General and miscellaneous
Attendance and fees of witnesses
Books. Papers. Laws
Competence. Forms etc.
Depositions. Affidavits
Evidence in chancery
Oaths
Jury. Verdict
General and miscellaneous
Exemptions
Fees and mileage
Jury commissioners
Qualifications. Drawing. Impaneling
Struck juries
Verdicts

733 **Appeals. Review** See also 436, Probate procedure
734 Exceptions
735 **Judgments**
736 **Executions. Judicial sales** See also 451, Exemptions from execution
737 **Costs. Bonds**
738 **Court funds**
739 **Special actions**
741 Attachment See also 451, Exemption from execution
742 Garnishment
743 Sequestration
744 Contribution
745 Detinue
746 Replevin
747 Search warrants
748 Title and possession of property
749 Writs: certiorari, injunction, mandamus; prohibition, quo warranto, scire facias

750 ## ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code

753 ### OFFICERS. CIVIL SERVICE

See also 38, State departments; 2472, Municipal civil service; 2511, County civil service

754 General
756 Appointment
757 Vacancies
758 Civil service examination. General See also 2256, Teachers
759 Local
760 Oath. Installation
761 Bonds. Sureties
762 Preference of veterans
763 Qualifications
764 Reports
765 Salaries. Fees
766 Seal
767 Tenure of office. Discipline See also 1237, Passes

770 ### FINANCE. PUBLIC PROPERTY

See also 2237, School finance; 2550, Local finance

772 **Domain. Property**
773 **Public lands** See also 2240, School lands
774 General and miscellaneous
775 Lease
776 Sale. Settlement. Appraisal
777 Deeds. Titles
778 Tide, shore and swamp lands
778(5 Timber
779 **Buildings. Property and supplies**
780 Buildings and grounds
781 Capitol

782 Executive mansion
783 State architect
784 Property and supplies generally
785 Acceptance of grants and bequests
786 Custody of personal property
787 Contracts and supplies
788 Importation of supplies
789 Officers: interest in contracts.
790 State institutions
791 Insurance
792 Sale of property
793 **Public works**
795 State departments
796 State engineer. Surveyor
797 Light, water and sewerage plants
798 State parks
800 **Taxation (general)**
Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing. See also 2713, Road taxes
801 **General and miscellaneous. State departments**
803 Temporary commissions and special investigations
805 Local option
807 Separation of state and local taxation
808 Taxation of personal property
809 **Exemptions from general property tax**
See also under special classes of taxes; also 1283, Railways; 1632, Encouragement of industries
810 General and miscellaneous
812 Charitable, educational and religious institutions and societies
814 Firemen and firemen's organizations
816 Veterans and veterans organizations
818 **Assessment**
819 General and miscellaneous. Return by taxpayer
820 Assessment of real estate
823 Personal property
825 **Review. Equalization. Adjustment**
For equalization by state boards see also 801, General and miscellaneous
827 **Collection**
828 Refund
829 **Delinquent taxes. Tax sales. Redemption**
830 **Income tax**
831 **Poll taxes** See also 132, Suffrage; 2714, Roads
832 **Business taxes. Revenue, license or privilege taxes**
See also 842, Incorporation taxes; 906, Liquor licenses; 1530, Regulation and licensing of trades and occupations
833 **General. Business and privilege taxes**
834 **Miscellaneous occupations, etc.** See also 2412, Preference of veterans
835 **Tax on deeds and contracts. Fees**
836 **Inheritance taxes**
840 **Corporation taxes** Including taxation by general property tax

841 **General and miscellaneous**
842 **Incorporation and license fees and taxes**
843 **Banking institutions** See also 1677, Banking
844 **Insurance companies** See also 1730, Insurance
845 **Transportation and transmission corporations**
See also 1200, Transportation
846 **Mining**
847 **Customs**
848 **Budget**
849 General
851 Appropriation. Limit of expenditure
852 Governor's contingent fund
853 **Accounts. Methods generally. Collection of moneys. Warrants**
854 Collection of state claims and revenue
855 Claims against state
856 Examination and audit
857 Financial officers See also 55, State examiner
858 State auditor. Comptroller
859 State treasurer
860 Fiscal year
861 Funds. Investments
862 Reports
863 State institutions
864 Warrants
865 **Debts. Bonds**
866 Limitation of indebtedness
867 Temporary debt
868 **Deposits and depositories**

870 PUBLIC ORDER

See also 234, Crimes and offenses; 1332, Railroads; 1374, Street railways
872 **Police** See also 1334, Railroads; 1374, Street railways; 1817, Navigation
873 **Peace officers** See also 663, Constable; 691, Sheriff
874 **State and county police**
875 **Municipal police**
876 Pensions
877 **Miscellaneous police regulations**
See also 256, Crimes against public order and security; 264, Crimes agains public morals and the family; 1065, Nuisances; 1090, Public safety; 2722 Roads
879 **Amusements** (Relating chiefly to restricted amusements)
881 Billiards. Bowls etc.
883 Gambling. Lotteries. Betting
885 Lotteries
887 Poolselling. Bookmaking etc.
889 Prize fighting
891 Racing See also 887, Poolselling
893 Shows. Theaters. Exhibitions
895 **Cruelty to children and animals**
896 Cruelty to animals See also 2302, Teaching of humane treatment of anima
898 Cruelty to children See 2172, Children

900 **Intoxicating liquors. Narcotics** See also 998, Adulteration
902 Prohibition
903 Dispensaries
904 Local option
905 State prohibition
906 Liquor licenses
907 General and miscellaneous
908 **Excise boards**
909 Rates
910 Regulations and restrictions See also 998, Adulteration
911 Minors. Persons to whom prohibited
912 Restricted localities
913 Sale by druggists
914 Saloons
915 Sunday sales
916 Illegal traffic
921 Intoxication. Inebriates
See also 446, Guardianship; 2310, Teaching of effects of alcohol and narcotics
922 Institutions. Treatment
923 Punishment
924 Tobacco
925 Cigarettes
926 Opium, cocaine etc. See also 953, Sale of drugs
927 **Mob violence**
928 **Prostitution**
929 **Sunday observance** See also 915, Intoxicating liquors; 2092, Sunday labor

930 **PUBLIC HEALTH AND SAFETY**
932 **General supervision** See also 2160, Sick and disabled
934 **Local boards and officers**
936 **State laboratories**
938 **Vital statistics** See also 474, Family; 1050, Burial
940 **State control of medicine** See also 2348, Medical schools
942 Medical societies
943 **License to practise**
944 Medicine See also 1588, Veterinary practice
945 Midwifery
946 Optometry
947 Osteopathy
948 Dentistry
949 Pharmacy
950 Assistant pharmacist
952 **Sale of drugs**
953 Poisons See also 926, Opium, cocaine etc.
955 **Adulteration. Inspection of articles liable to affect public health**
See also 1466, Adulterations and imitations
956 **General**
958 Labels
959 Preservatives. Coloring matter
960 **Milk and milk products**

961 General
963 Preservatives. Coloring matter
964 Butter and cheese
965 Butter. Imitation and adulteration. Oleomargarin
966 Cheese and its imitations
967 Milk
968 Cans See also 1447, Weights and measures; 1502, Marks
969 Condensed milk
970 Test. Standard
972 **Other articles of food and drink**
974 Baking powder
976 Canned or preserved food
978 Cereals. Starches. Bread
980 Sanitary regulation of bakeries
See also 2053, Bakeries and confectioneries (health and safety of employees)
982 Eggs
984 Fruits
986 Honey. Bee products
988 Hops
990 Ice
992 Lard. Fats. Oils
994 Lard
996 Olive oil
998 Liquors
1000 Meats. Fish (fresh)
1002 Unwholesome feeding stuffs
1004 Meats
1006 Spices. Condiments
1008 Sugars. Syrups. Confectionery
See also 2053, Bakeries and confectioneries (health and safety of employees)
1010 Candy
1012 Sugar. Syrup
1014 Vinegar
1016 **Inspection of toys, papers, textile fabrics, etc.** See also 1491, Paper
1018 **Communicable diseases** See also 1143, Communicable diseases of animals
1020 Prevention and restriction (general)
1022 Report of diseases
1023 Quarantine and isolation See also 1053, 1064, Disposition of the dead
1024 Maritime quarantine
1025 Leper homes
1026 Protective inoculation
1027 Vaccination
1028 Antitoxin
1029 Disinfection
1030 Special diseases
1032 Bubonic plague
1034 Cholera
1036 Diphtheria
1038 Eye diseases in infants

1040 Hydrophobia See also 1163, Rabies
1041 Smallpox
1042 Tuberculosis
1043 Typhoid
1044 Venereal diseases
1046 Yellow fever
1048 **Disposition of the dead**
1050 Burial. Undertaking (general)
1051 Practice of embalming and undertaking
1052 Burial permits See also 938, Vital statistics
1053 Contagious diseases
1054 Cemeteries
1055 Public cemeteries
1056 Cemetery associations
1057 Location. Vacation
1058 Burial lots
1059 Cemetery trust funds
1060 Injury to cemetery. Grave robbing
1061 Cremation
1062 Dissection
1063 Morgue
1064 Transportation of dead bodies
1065 **Nuisances (general). Miscellaneous health regulations**
See also 1191, Drains; 2660, Sewerage
1067 Chemical works
1069 Disposal of carcasses
1071 Drainage See also 1191, Drains; 2660, Sewerage
1073 Expectoration
1075 Garbage
1077 Noises
1079 Pollution of water See also 932, General supervision; 2660, Sewerage
1081 Rendering. Bone boiling. Refining
1082 Signs. Advertisements
1083 Slaughterhouses. Butchers
1084 Smoke
1085 Stables
1086 Tickets
1087 Vaults
1089 Weeds See also 1854, Agriculture; 2744, Roads
1090 **Public safety**
Protection of human life from accidents, casualties etc. See also 1313, Railroads; 1368, Public street railways; 2044, General workshop regulations
1092 **Fires**
See also 1765, Fire prevention associations; 1893, Forest fires; 2602, Fire departments
1093 Fire marshals. Inspection
1094 Fire patrol. Salvage corps
1095 Extinguishers
1096 Fire alarms
1097 Prairie fires See also 1893, Forest fires
1098 Miscellaneous regulations

1099 **Buildings: sanitation and safety**
See also 2044, General workshop regulations; 2235, Schools
1100 Elevators
1101 License of elevator men
1102 Exits
1103 Fire escapes
1104 Fire limits
1105 Hight. Street alinement
1106 Hand rails
1107 Roofing
1108 Hotels. Lodging houses
1109 Public halls
1110 Tenement houses
1111 Windows
1112 **Floods. Life saving** See also 1197, Levees and dikes
1113 Floods
1114 Dams and reservoirs
1115 Life saving
1116 **Explosives** See also 1493, Petroleum products
1117 Manufacture. Storage. Transportation
1118 Air guns, toy pistols, etc.
1119 Blasting See also 1437, Weights and measures; 2067, Mines (labor)
1120 Dynamite etc.
1121 Fireworks
1122 Gases
1124 **Miscellaneous**
1125 Acids
1126 Balloon ascensions
1128 Boilers and engineers
1129 Inspection
1130 Licenses
1131 Electric apparatus
1133 Electricians
1135 Ice cutting
1137 Samples
1139 Steamboats. Vessels See also 1128, Boilers; 1800, Navigation
1141 Uncovered openings
1143 **Communicable diseases of animals**
1144 General. Inspection and supervision
1146 Quarantine
1147 Indemnity
1148 Importation
1149 Exportation
1150 Disposal of carcasses
1151 Special diseases
1153 Anthrax
1155 Glanders
1157 Farcy
1159 Foot and mouth disease

Pleuropneumonia
Rabies
Texas fever
Tuberculosis
Special animals
Bees
Hogs
Horses
Sheep

CONTROL OF WATERS

1 **Waterways**
See 1383, Canals; 1388, Ferries and fords; 1393, Bridges; 1800, Navigation

2 **Irrigation. Water rights, power, storage**
3 General. State control
4 Arid land grant
5 Districts. Local construction
6 Irrigation companies and associations
7 Cleaning. Repairing
8 Waste
9 Artesian wells
0 Water rights, power and storage generally

1 **Drains. Dikes. Levees**
See also 1071, Nuisances; 1182, Irrigation; 2660, Sewerage; 2730, Roads
2 General. County and township ditches. Drainage districts
3 Corporations
4 Assessment
5 State ditches
6 Cleaning. Repair. Obstruction
7 Levees. Dikes

8 **Pollution of water** See 1079

9 **Hot springs. Mineral waters**

TRANSPORTATION AND COMMUNICATION

See also 1800, Navigation

1 **General**
3 Rates. Discrimination
4 General
5 Discriminations
6 Rate discrimination
8 Coal and coke
0 Milk
2 Rates (general)
4 Coal
6 Lumber
8 Mails
0 Melons
2 Sugar beets
4 Tunnel charges
6 **Passenger rates. Passes** See also 1365, Street railways

1227 **Rates. Tickets**
1228 **Commutation tickets**
1229 **Counterfeiting. Stealing**
1230 **Discrimination**
1231 **Excess fare on train**
1232 **Mileage books**
1233 **Redemption**
1234 **State contractors**
1235 **Ticket scalping**
1236 **Workingmen's trains**
1237 **Passes. Franks** See also 1365, Street railways
1238 **Race distinction** See also 122, Civil rights
1240 **Miscellaneous. Common carriers**
1242 **Appropriation by common carrier**
1244 **Baggage**
1245 **Bicycles**
1246 **Bills of lading**
1247 **Loss or damage**
1248 **Payment of charges**
1249 **Prompt shipment**
1250 **Storage. Delivery**
1251 **Unclaimed property**
1252 **Unlawful messages**
1253 **Special commodities**
1254 **Coal. Coke**
1256 **Farm produce. Fruit**
1258 **Grain**
1260 **Live stock** See also 896, Cruelty to animals
1262 **Material for telegraph lines**
1264 **Wood. Lumber**
1265 **Roads. Streets** See 2700
1266 **Railways. Car companies. Express**
See also 500, Corporations; 840, 845, Taxation; 1402, Bridges; 2040, Labo
1267 **General. Incorporation**
Chiefly steam roads but many of the general laws and special prov include all kinds of railways
1268 **Corporate organization and power**
1270 **Amendment of charter. Extension**
1271 **Conditional sale of equipment**
1272 **Consolidation, sale, lease**
1273 **Dissolution. Insolvency**
1274 **Encroachment. Prescriptive rights. Trespass**
1275 **Foreign corporations**
1276 **Meetings**
1277 **Office**
1278 **Officers**
1279 **Stocks, bonds, mortgages**
1280 **Public ownership and aid**
1281 **State railways and ownership of stock**

Public aid. Exemptions. Subscription to stock
Exemption from taxation
General supervision and regulation
General. State boards
Construction
Branch roads. Side tracks
Gage
Grade
Limit of time of completion
Motive power
Terminal facilities
Location. Right of way
Abandonment. Required operation
Eminent domain. Damages
See also 382, Eminent domain (general)
Franchise. Location
Joint use
Reports
Traffic regulations
Platforms
Railroad stations
Name
Required stations. Agents
Union stations
Supply of cars. Loading
Train service
Connections
Required trains. Stops
Train bulletins
Transfer facilities. Connections
Public safety, comfort and order
Safety regulations
Accidents. Liability See also 2125, Employers Liability
Brakes. Couplers
Crossings
Street railways
Highway crossing
Gates, flagmen, signals
Fencing. Cattle guards. Injury to stock
Fire guards. Injury by fire
Heating
Speed
Train crew
Whistles. Locomotive signals
Miscellaneous safety regulations
Public comfort regulations For labor on railways see 2040, Labor
Cars
Tunnels
Waiting room

1332 Public order. Railway police
1333 Obstruction, injury to cars, etc.
1334 Railway police
1335 Stealing ride. Boarding train
1336 **Street railways. Rapid transit**
1337 General. Incorporation
See also 500, Corporations; 840, 845, Taxation; 2040, Labor
1339 Corporate organization and powers
1340 Amendments of articles
1341 Conditional sale of equipment
1342 Consolidation, sale, lease, contracts
1343 Dissolution. Insolvency
1344 Foreign corporations
1345 Mail. Express. Light freight
1346 Meetings
1347 Officers
1348 Property
1349 Stock. Bonds
1350 Public ownership and aid
1352 General supervision
1353 Construction
1354 Gage
1355 Grade
1356 Limit of time for completion
1357 Motive power
1358 Rails
1359 Location. Right of way See also 2710, Paving
1360 Abandonment. Required operation
1361 Eminent domain
1362 Franchises. Location of track. Extensions
See also 2628, Franchises (general)
1363 Joint use of track or street
1364 Parallel roads
1365 Fares. Passes
1366 Transfers
1367 Reports
1368 Public safety and comfort
1368½ Crossings See also 1318
1369 Employees
1370 Guards. Brakes
1371 Heating cars
1372 Lighting
1373 Speed
1374 Public order. Police
1375 Obstruction. Injury
1376 **Express**
See also 500, Corporations; 840, Corporation tax; 845, Taxation; 1345, Street railways
1378 General supervision
1379 Rates. Discrimination
1380 Office
1381 Delivery

1383 **Canals**
1384 General. Corporate organization and powers
1386 Public ownership and aid
1387 Injury. Obstruction
1388 **Ferries. Fords**
1390 Private. License
1391 Public
1392 Injury. Obstruction
1393 **Bridges. Tunnels**
1395 Bridge companies
1396 Bridges on boundaries
1397 Injuries
1398 Fast driving order
1399 Engines
1400 Irrigation canals
1401 Public bridges
1402 Railroad bridges See also 2081, Hight of bridges
1403 Regulation of bridges over navigable waters
1404 Width
1405 Safety regulations
1406 Liability
1407 Tunnels See also 2742(5, Roads
1408 Public
1409 Companies
1410 **Telegraph and telephone**
See also 320, Crimes against property; 500, Corporations; 840, 845, Taxation; 1252, Unlawful messages; 2040, Labor
1411 General. Incorporation
1412 Corporate organization and powers
1413 Public ownership
1414 Supervision
1415 Franchise. Location. Placing of wires
1416 Eminent domain. Damages
1417 Franchise
1418 Placing of wires and poles
1419 Officers
1420 Rates. Discrimination
1421 Transmission and delivery. Secrecy

1422 **COMMERCE AND INDUSTRY (GENERAL)**

1424 **Weights and measures**
1425 General
1426 Sealers. Public scales. Standards
1427 Agricultural products
1429 Fruits
1431 Hay
1433 Cotton
1435 Apothecaries measures
1437 Blasting powder
1439 Brick
1441 Coal. Coke. Charcoal

1443 Ice
1445 Mason work
1447 Milk cans and bottles
1449 Oysters
1451 Smoked herring
1453 Standard time
1455 Tan bark
1457 Water
1459 Wheat and corn products
1461 Wood. Timber
1464 **Adulterations and imitations. Branding. Inspection**
See also 955, adulterations liable to affect public health
1466 **Adulteration. Inspection**
1468 Binding twine
1470 Collars and cuffs
1472 Commercial feed for stock
1473 Cotton seed meal
1474 Fertilizers
1476 Goldware
1478 Grain See also 1515, Grain warehouses and inspection
1480 Hay and straw
1482 Leather
1484 Lime
1488 Nails
1489 Naval stores
1490 Oil. Paint. Lead
1491 Paper See also 1016, Public health
1492 Paris green
1493 Petroleum products
1494 Silverware
1496 Seeds
1497 Thread
1498 Timber See also 1896, Lumber
1500 **Marks, labels etc.** See also 958, Adulteration (food)
1501 Bottles, cans and other receptacles
1502 Milk cans
1503 Union labels
1505 **Associations. Exchanges. Speculation**
1506 Boards of trade. Exchanges
1507 Speculation
1508 **Warehouses. Markets**
1510 Warehouses
1511 Claimants
1512 Payment of charges. Sale of goods
1513 Warehouse receipts
1515 Grain warehouses and inspection
1516 Combinations
1517 Inspection
1518 State warehouse
1519 Weighing. Dockage

Tobacco warehouses
Combinations
Charges
Inspection
State warehouse
Weighing
Stock yards
Public markets

Regulation and licensing of trades and occupations
Licensing (general)
Architects
Accountants
Auctioneers
Barbers
Billposters
Coal and coke dealers
Commission merchants
Cotton
Dentistry See 948
Department stores
Elevator men See 1101
Embalming and undertaking See 1051
Engineers See 1130
Farm products
Firearms
Hawkers and peddlers
Horseshoeing
Hotels See also 1108, Buildings
House movers
Ice
See also 990, Adulteration; 1135, Public safety; 1443, Weights and measures
Junk and second-hand dealers
Law See 591
Medicine See 944
Mill tolls
Nurses See also 2171, Hospitals
Pawnbroking See 1727
Pharmacy See 949
Plumbers
Taxidermists
Tobacco See also 924, Public order
Transient merchants. Sale of bankrupt stocks. Itinerant venders
Veterinary practice

Miscellaneous trade regulations
Advertisements
Discrimination
See also 1203, Transportation and communication; 1230, Passenger rates; 1379, Express; 1420, Telegraph and telephone; 1742, Insurance
Legal holidays. Public holidays See also 2271, Schools
General and miscellaneous
Arbor and bird day See also 2290, Schools

1600 Bennington day
1602 Confederate Memorial day
1604 Election day
1606 Good Friday
1608 Independence day
1610 Jefferson Davis's birthday
1612 Labor day
1614 Lee's birthday
1616 Lexington day
1618 Lincoln's birthday
1620 Memorial day
1622 New Year's day
1624 Saturdays
1625 Shrove Tuesday
1626 Thanksgiving day
1627 Washington's birthday
1628 Trading stamps
1630 **Encouragement of industries**
1632 Bonus. Exemptions. Bounty
See also 810, Exemptions from general property tax
1633 General
1635 Beet sugar and sugar beet See also 1222, Sugar beets (rates)
1637 Binding twine
1639 Canaigre
1641 Chicory
1643 Cotton factories
1645 Iron
1647 Petroleum. Natural gas
1649 Portland cement
1651 Rope
1653 Silk culture
1655 Spinning fibers
1657 Starch
1661 Expositions See also 1834, Fairs
1662 General
1663 Exposition corporations
1665 Charleston Exposition
1666 Chicago Exposition
1667 Lewis and Clark Exposition
1669 Louisiana Purchase Centennial
1671 Omaha Exposition
1673 Pan-American Exposition
1674 Paris Exposition
1675 Resources and attractions. Immigration See also 2114, Emigrant agent

1677 **BANKING**

See also 500, Corporations; 843, Taxation of banking institutions

1678 **General**
Including all provisions relating to banks of deposit or relating to two or more of the following classes
1679 General and miscellaneous
1680 Inspection. Reports. Departments

1681 Amendment and extension of charter
1682 Bank notes
1683 Branches
1684 Capital
1685 Clearing houses
1686 Consolidation
1687 Dissolution. Insolvency See also 523, Corporations
1688 Deposits
1689 Foreign corporations
1690 Liability of stockholders
1691 Loans
1692 Name. Domicile
1693 Officers
1694 Property rights
1695 Reserve. Surplus
1697 **Trust and safe deposit companies**
1698 General and miscellaneous
1700 Reports. Inspection
1701 Deposits
1703 Investments
1705 Officers
1707 **Savings banks**
1708 General and miscellaneous
1710 Inspection. Reports
1712 Deposits
1713 Investments. Reserves
1714 Officers
1715 **Mortgage, loan and investment companies**
1717 **Building and loan associations**

The names of these organizations vary somewhat but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations etc. and in Massachusetts cooperative banks.

1718 General and miscellaneous
1720 Inspection
1721 Capital. Shares
1722 Dissolution. Insolvency
1723 **Foreign associations**
1724 Loans. Investments
1725 Officers
1726 Reserve. Security deposit
1727 **Pawnbroking**

1730 **INSURANCE**

See also 500, Corporations; 844, Taxation of insurance companies

1731 **General (all classes)**
1732 General
1733 State departments
1734 Examination. Report
1735 License
1736 Agents
1737 Amendment and extension of charter. Reorganization

1738 **Brokers**
1739 **Capital**
1740 **Combinations**
1741 **Deposit of security**
1742 **Discrimination**
1743 **Dissolution. Insolvency**
1744 **Dividends**
1745 **Fines and penalties**
1746 **Foreign companies**
1747 **Investments**
1748 **Liability. Actions against company.**
1749 **Name**
1750 **Officers**
1751 **Property**
1753 **Life and accident**
1754 **General**
1755 **Actions against companies**
1756 **Child insurance**
1757 **Foreign companies**
1758 **Policies**
1759 **Mutual insurance**
1760 **Assessment companies**
1761 **Fraternal beneficiary societies**
1762 **Accident and health insurance**
1763 **Fire and other casualty**
See also 791, 2553, Insurance of public property; 1092, Fires; 1104, limits; 1893, Forest fires; 2602, Fire departments
1764 General and miscellaneous
1765 Fire prevention associations
1766 Foreign companies. Reinsurance
1767 Liability. Losses
1768 Lloyd's associations
1769 Policies
1770 **Mutual companies**
1771 County companies
1772 Township companies
1773 **Miscellaneous casualty**
1775 Bicycles
1777 Boilers
1779 Bombardment
1781 Burglary. Loss in transportation
1783 Church
1785 Creamery
1787 Hail and cyclone
1789 Live stock
1791 Plate glass
1793 **Surety and guaranty companies**
1795 General
1796 Acceptance on bonds See also 467, Suretyship
1797 Credit and title insurance
1798 Foreign companies

NAVIGATION. WATERWAYS

See also 1383, Canals; 1388, Ferries and fords; 1393, Bridges

General
Cargo
Harbors
  Wharves. Docks. Piers. Wharf lines
Improvement of waterways (general)
  Lakes
  Improvement corporations
  Water level
Lights
Loading vessels
Navigation companies
Obstructions
  Aquatic plants
  House boats
  Protection of aids to navigation
Pilotage. Towage. License of pilots
Police
Public waters
Seamen See also 2124, Employment
Wrecks

AGRICULTURE

See also 955, 1466, Adulteration; 1143, Communicable diseases of animals; 1427, Agricultural products (sale of); 1588, Veterinary practice; 2344, Agricultural schools

Supervision and encouragement (general)
See also 1632, Bonus, exemption, bounty

General
  State department
Abandoned farms
Experiment stations See also 2344, Agricultural schools
Farmers institutes. Reading courses. Lectures
Naming farms
Needy farmers. Loans etc.
Statistics. Weather and crop service

Associations. Fares See also 891, Racing
General and miscellaneous
Dairymen's associations
Farmers alliance
Horticultural societies
Poultry associations
State associations and fairs

Horticulture. Diseases and pests
Supervision and regulation
Boll weevil
Grasshoppers. Locusts. Crickets
Moths
Spraying

Weeds See also 1089, Nuisances: 2744, Roads
Canada thistle. Russian thistle

Noxious animals. Bounties

1858 Crows
1860 Foxes
1862 Gophers. Prairie dogs. Ground squirrels
1864 Hawks
1865 Porcupines. Hedgehogs
1866 Rats
1868 Rattlesnakes
1870 Seals
1872 Sparrows
1874 Wolves. Coyotes. Lynx. Wildcats. Bears etc.
1875 **Domestic animals**
See also 891, Racing; 895, Cruelty to animals; 960, Milk and milk prod 1143, Communicable diseases of animals; 1588, Veterinary practice
1876 **Running. Impounding. Fences**
1877 Running at large
1878 Fencing districts
1879 Estrays. Damages. Trespass See also 1321, Railways
1880 Impounding
1881 Fences See 397
1882 **Ownership. Sale. Miscellaneous**
1883 Branding
1884 Stealing. Driving. Using
1885 Pedigrees
1886 Prevention of injury to stock
1887 Watering stock
1888 Dogs See also 1163, Rabies
1889 Dog tax
1890 **Forestry** See also 1598, Arbor day; 2742, Roads
1891 General supervision
1892 Bounty. Exemption
1893 Forest fires
1894 Forest preserves See also 798, State parks
1895 School of forestry See 2347
1896 Lumber See also 777, Public lands; 1498, Inspection
1897 Brands. Drift timber. Stealing
1898 Measurement. Grading See 1424, Weights and measures
1899 Transportation See also 1216, Rates; 1264, Common carriers

1900 **GAME AND FISH**

1901 **General**
1902 General
1903 State boards. Officers
1904 Enforcement. Fines
1905 Guides
1906 Hunter's license
1907 Shipment and sale. Purpose of taking. Amount
1908 Trespass. Private lands. State waters
1909 **Game** See also 1856, Noxious animals
1910 Propagation. Game preserve
1911 Close season
1912 **Mammals**

1913 Big game
1915 Antelope
1917 Buffalo
1919 Deer
1921 Elk
1923 Manatee
1925 Moose
1927 Small game
1929 Beaver
1931 Fox
1933 Mink
1935 Muskrat
1937 Opossum
1939 Rabbits and squirrels
1941 Skunk
1943 Birds
1944 General
1945 State supervision
1946 Game birds
1947 General
1948 Close season
1949 Anatidae Waterfowl: swan, goose, duck, brant
1950 Gallinae
Black game, capercaillie, grouse, partridge or ruffed grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey
1951 Rallidae Rail, coot, mudhen, gallinule
1952 Shore birds Woodcock, plover, snipe, sandpiper, curlew
1953 Other than game birds. Song and insectivorous. Plume
See also 1598, 2290, Arbor and Bird day
1954 Doves. Pigeons
1955 Carrier pigeons
1956 Eagles
1957 Plume birds Grebes, gulls, terns, pelicans, egrets, herons
1958 Reedbirds (bobolinks)
1959 Fish
1961 Fish culture
1962 Injurious fish
1963 Fishways
1964 Close season
1965 Minimum size
1966 Special methods of fishing
1967 Hook and line only
1968 Fishing through ice
1969 Set lines
1970 Steam vessels
1971 Seining. Nets
1972 Weirs. Screens
1973 Explosives. Chemicals. Electricity
1974 Special kinds of fish
1976 Alewives
1978 Bass

1980 Carp
1982 Eels
1984 Pickerel. Pike
1986 Salmon
1988 Shad. Herring. Sardines
1990 Smelt
1992 Sturgeon
1994 Suckers
1996 Trout
1998 Whitefish
1999 Shellfish. Miscellaneous
2000 General
2001 State department
2002 Shellfish cultivation
2003 Contaminated waters
2004 Enforcement
2005 Methods prohibited
2006 Nonresidents
20065 Bullfrogs
2007 Clams
2008 Crabs
2009 Lobsters
2010 Oysters See also 1449, Weights and measures
2011 General
2012 State departments. Officers
2013 Beds. Grounds
2014 Close season
2015 Minimum size
2016 Taxation. License
2017 Scallops
2018 Sponges
2019 Terrapin
2020 **MINES AND MINING**

See also 846, Taxation; 2349, Mining schools. For labor in mines s Labor

2021 General
2022 State departments See also 2063, Labor
2024 Corporations
2025 Debris
2026 Eminent domain. Right of way
2027 Fraud. Larceny
2028 Hydraulic mining
2029 Mineral exhibits
2030 Mining claims
2031 Ore analysis
2032 Property rights. Contracts
2034 Trespass
2035 Petroleum. Gas

See also 1493, Petroleum products (inspection); 1647, Encouragen industries

2036 Pipe lines

Waste of oil and gas. Plugging wells
Salt wells
Phosphate mining

LABOR

See also 354, Convict labor; 418, Mechanics liens; 451, Exemptions from execution; 1236, Workingmen's trains

General. State bureaus and departments
See also 20, Bureaus of statistics
General workshop regulations
See also 1099, Buildings, sanitation and safety
Comfort of employees
Seats for employees
Washrooms and closets
Health of employees
Drinking water
Dust and gases
Safety of employees See also 2125, Employers liability
Bakeries and confectioneries
See also 980, Sanitary regulation of bakeries; 1008, Confectionery
Building trades
Comfort of employees
Safety of employees
Counter floors
Scaffolds
Cigar manufactories
Laundries
Lumber industry
Mines
General. State officers and departments
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Health and comfort of employees
Ventilation
Safety of employees
Blasting See also 1119, Explosives; 1437, Blasting powder
Bosses, managers etc.
Fencing. Propping
Fire protection
Hoisting machinery
Hospital accommodations See also 2167, Miners hospitals
Miner's oil and lamps
Mine signals
Safety cages
Shafts
Railways
Health of employees
Vestibules
Safety of employees
Hight of bridges and cars. Warning devices
Sweat shops
Hours See also 1612, Labor day; 2112, Employment

2085 **General**
2086 **Women**
2087 **Bakeries**
2088 **Mercantile establishments**
2089 **Children** See also 2118, Employment of children
2090 **Bakeries**
2091 **Mercantile establishments**
2092 **Sunday labor** See also 929, Sunday observance
2093 **Brickyards**
2094 **Mines**
2095 **Pharmacists. Drug clerks**
2096 **Public work**
2097 **Railways**
2098 **Street railways**
2100 **Wages** See also 418, Mechanics liens
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2103 **Mode of payment: money, company stores, certificates**
2104 **Period of payment**
2105 **Pension to employees**
2106 **Profit sharing**
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2108 **Money payment**
2109 **Period of payment**
2110 **Weighing and screening coal**
2111 **Public work**
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2113½ Contracts
2114 Employment offices. Emigrant agents
2115 Free employment bureaus
2116 Unemployed
2117 Women
2118 Children See also 2270, Compulsory attendance
2119 Mines
2120 Women
2121 Children
2122 Public work. Aliens
2123 Railways
2124 Seamen
2125 **Employers liability. Insurance** See also 1730, Insurance
2126 Railroads
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2128 Workingmen's insurance
2129 Industrial insurance
2130 **Unions. Associations**
2131 Miners
2132 Railroads
2133 Union labels See 1503
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2136 Conciliation and arbitration
2137 Blacklisting. Membership in unions
2138 Boycotts. Interference
2139 Strikes

2140 **CHARITIES**

See also 60, State institutions; 335, Corrections; 582, Corporations not for profit; 1761, Fraternal beneficiary societies

2141 General
2142 State boards and officers
2143 State institutions (general)
2144 Local boards and officers
2145 Private charities and institutions
2148 **Poor relief** See also 260, Vagrancy; 2406, Pensions and relief
2149 General
2151 Support of pauper. Settlement
2152 Burial See also 2411, Pensions and relief
2153 Homes for aged
2154 Outdoor relief
2155 Poorhouses
2156 State poorhouses and officers
2157 Local institutions
2158 Work test
2160 **Sick and disabled** See also 1018, Communicable diseases
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2163 Care of sick poor
2164 Dispensaries
2165 Hospitals
2166 State hospitals
2167 Miners hospitals See also 2072, Hospital accommodations
2168 Local hospitals
2169 Private hospitals
2170 Maternity hospitals
2171 Nurses See also 1575, Licensing of trades and occupations

2172 **Children**

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2177 State homes and schools
2178 State Indian schools
2179 County homes
2180 Orphan homes. Private institutions
2182 Placing out
2183 Boarding out of infants
2184 **Deaf and dumb**
2186 State institutions
2188 **Blind**
2191 State institutions
2192 **Insane** See also 60, State institutions; 446, Guardianship
2193 General

2194 State boards and officers
2195 Temporary investigating commission
2196 Asylums
2197 Removal from poorhouse and jails
2198 State asylums
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2202 Private asylums
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2204 State support
2205 Inquest. Commitment. Discharge
2206 Transportation. Transfer
2207 Discharge. Parole. Recommitment
2208 Discipline
2210 **Epileptics**
2212 Temporary investigating commissions
2213 State asylums and colonies
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2218 State institutions

2220 **EDUCATION. SCIENCE. CULTURE**

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2223 General systems. Codes
2224 Meetings. Elections. Suffrage
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2234 Plans
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2244 General. Accounts. Miscellaneous regulations
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2273 School age
2274 School census
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2277 Students. Discipline
2278 Corporal punishment
2279 Disturbance. Interference
2280 Fire drills
2281 Physical condition
2282 Textbooks. Curriculum. General
2283 Free textbooks
2284 Uniformity
2285 Supplies
2287 Branches. Courses
2288 General. Miscellaneous
2290 Arbor and bird day See also 1598, Legal holidays
2292 Bookkeeping
2294 Civics
2296 Cooking
2298 Drawing
2300 History
2302 Humane treatment of animals
2304 Music
2306 Patriotic exercises

2308 **Physical culture**
2310 **Physiology. Alcohol. Narcotics**
2312 **Pioneer day**
2314 **Science**
2316 **Special kinds of schools**
See also 2184, Deaf and dumb; 2188, Blind; 2266, Normal schools; 232 fessional and technical education; 2396, Military schools
2319 **Evening schools**
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2332 **State institutions (general)**
2333 Finance. Lands. Support
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2334 Instruction. Students
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2336 **State universities. Colleges**
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2341 **Students. Discipline**
2342 **Professional and technical education**
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2344 Agricultural schools See also 1828, Agricultural experiment stat
2345 United States endowment of agricultural colleges
2346 Ceramics
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2348 Medicine and surgery. Degrees See also 1062, Dissection
234815 Military
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2352 **Libraries**
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2363 State boards and officers

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2365 Archives. Records. Colonial laws
2366 Historical societies
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2383 Biology
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2386 Art
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2408 State pensions and aid
2409 State pensions and aid to confederate veterans
2410 Local pensions and relief
2411 Burial expenses
2412 Preference of veterans

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2413 Widows and families
2415 **Soldiers homes**
2416 General. Establishment. Organization
2417 Admission
2418 Widows and orphans
2420 **Organizations**
2421 General and miscellaneous
2423 G. A. R.
2424 Loyal Legion
2425 Sons of Veterans
2426 Spanish War veterans
2427 Union veterans
2428 Woman's Relief Corps

2430 **LOCAL GOVERNMENT**

2432 **Municipalities**

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community: thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

2433 State control of cities. Home rule
2434 Special legislation
2435 Self-framed charters
2437 Organization. Powers generally
2438 General
2439 Annexation and exclusion of territory
2440 Boundaries
2441 Change of name
2442 Classification of cities
2443 Consolidation
2444 Incorporation. Dissolution
2445 Model town
2446 Liability for injuries See also 471, Torts: 2728, Roads
2447 Powers
2448 Public printing and advertising
2449 Records
2450 Seal
2451 Special commissions
2452 Town sites See 390, Plats, town sites
2454 Wards
2455 Legislative body. Council
2456 Aldermen at large
2457 Incompatibility
2458 Minority representation
2459 Number
2460 Salaries

1 Terms
2 Vacancies
3 Ordinances
4 Constitutionality
5 Enactment
6 Enforcement
7 Publication and compilation
8 Mayor
9 Salary
0 Term
1 Veto
2 Municipal civil service See also 2588, Financial officers
3 General
4 Appointments. Election
5 Bonds
6 Qualifications
7 Salaries. Fees
8 Tenure of office. Discipline
9 Special officers
2 Attorney
4 Clerk
6 Peace officers See 873
8 Recorder

0 County and township government

See also specific functions of counties and towns: Roads, Charities, Drainage etc.

1 County organization generally
2 General
3 Boundaries
4 Classification of counties
5 County seats
6 County as corporation
7 County records See also 396, Conveyance
8 New counties. Consolidation. Division
9 Printing
0 Governing body. Commissioners. Supervisors. Chosen freeholders
1 General
2 Appeals from decisions and orders
3 Clerk
4 Election. District. Vacancies. Number. Term
5 Meetings
6 Oath. Bond
7 Procedure
8 Removal. Misconduct
9 Reports. Records
0 Salaries. Fees
1 County civil service See also 2588, Financial officers
2 General
3 Appointment. Election
4 Oath. Installation
5 Bonds

2516 Qualifications
2517 Salaries. Fees
2518 Tenure of office. Discipline
2519 Special officers
2521 Clerk
2522 Public trustee
2523 Surveyor. Engineer See also 336, Property lines
2524 Parish
2525 Townships. Towns

Under this head are included governments that constitute the primary division of the county. In the New England states and in New York and Wisconsin towns are primary divisions of the county and are classed here in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

2526 General
2527 Records
2528 Seals
2529 Town centennial
2530 Organization. Division. Consolidation. Dissolution
2531 Meetings. Elections
2532 Town boards. Officers
2533 General
2534 Bond
2535 Salaries. Fees
2536 Tenure of office
2537 Vacancies
2538 Special officers
2540 Clerk
2542 Selectmen
2544 Supervisors
2545 Township advisory board
2546 Township board of directors
2547 Township commissioners
2548 Township committee
2549 Trustees
2550 Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets, etc., are classified under these heads. They are however also *indexed* under Taxes, etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under Taxation, as such provisions usually apply to all classes of taxes. See particularly 2237, School finance

2552 Property
2553 Lands. Purchase. Sale. Lease
2554 Eminent domain
2555 Buildings and grounds
2556 City and town hall
2557 Courthouses
2558 Insurance
2559 Property and supplies generally
2560 Contracts
2561 Officers interest in contracts
2562 Gifts. Bequests. Trusts See also 2688, Gifts and bequests (parks)

63 Importation of supplies
64 Sale of property
65 Stationery and supplies
66 **Taxes** See also 2622, Local improvements
68 Special assessments
See also Special purposes of assessments: streets, sewers, drains etc.
69 General
71 Assessment bonds
72 Collection
73 Reassessment
75 **Budget. Accounts**
77 Appropriation. Tax levy. Expenditures
78 Limit of taxation
79 Examination and audit
80 Accounts to be kept. Form
81 Reports
82 Statistics
83 State supervision. Uniform accounts See also 55. State examiner
84 Fiscal year
85 Warrants
86 Claims. Judgments
87 Funds
88 Financial officers
89 City auditor
90 City treasurer
91 City receiver of taxes
92 Commissioner of revenue
93 County auditor. Comptroller
94 County treasurer
95 Township auditor
96 Township treasurer
97 **Debts. Bonds**
See also 2245, School finance; 2571, Special assessments; 2622, Local improvements; 2672, Sewerage; 2684, Parks
98 Limitation of indebtedness
99 Temporary debt
00 **Deposits and depositories**
01 **Police** See 872
02 **Fire department** See also 1092, Fires
03 General organization
05 Fire districts
06 Finances
07 Appropriation. Taxes. Bonds
08 Property
09 Apparatus
10 Buildings
11 Independent and volunteer companies
12 Officers See also 1093, Fire marshal
13 Appointment and removal
14 Exemptions
16 Pensions. Relief

2617 **Salaries**
2618 **Vacations**
2619 **State firemen's associations**
2620 **Public works. Public improvements**
See also 1054, Cemeteries; 1063, Morgue
2621 **Local improvements, general**
2622 **Bonds and taxes for improvements**
2623 **Boards of public work**
2624 **City engineer**
2625 **Eminent domain**
2626 **Improvement associations**
2627 **Municipal utilities (general)** See also 1336, Street railways
2628 **Franchises (general)**
See also 1298, Railways; 1362, Street railways; 1415, Telegraph and t phone; 2635, Light, heat and power
2629 **Municipal ownership (general)**
See also 1350, Street railways; 1391, Ferries and fords; 1413, Telegraph telephone, 2635, Light, heat and power; 2650, Water; 2668, Sewerage; Toll roads
2630 **Rates. Charges**
2631 **Pneumatic pressure**
2632 **Refrigerator companies**
2633 **Light. Power. Heat**
See also 320, Crimes against property; 797, Public works (state)
2634 **State supervision**
2635 **Municipal plants**
2636 **Public lighting contracts**
2637 **Light, heat and power companies** See also 2035, Petroleum and gas
2638 General and miscellaneous
2639 Accidents. Liability
2640 Eminent domain
2641 Franchise
2642 Gas and electric meters
2643 Gas rates
2644 Gas standard
2645 Placing of poles, wires, pipes etc.
2647 Property. Stocks
2648 **Water**
See also 797, Public works (state); 1079, Pollution of water; 1196, W rights
2649 Eminent domain
2650 Municipal works
2651 Storage reservoirs
2652 Water tax
2653 Use of water system
2654 Water commissioners
2655 Water companies
2656 Issue of stocks and bonds, mortgages
2657 Regulating rates
2658 Taxation

Sewerage

See also 797, Sewerage plants (state); 1079, Pollution of water; 1191, Drainage

Sewerage systems. Construction generally
Boards. Officers
Eminent domain
House connections
Institutions
Interference with sewers
Joint, trunk and outlet sewers
Municipal purchase
Rents. Charges
Sewage disposal plant
Sewer assessments
Sewer bonds
Sewerage companies
State commissions
Swamp lands See also 1071, Nuisances
Waterways
Parks. Public grounds. Boulevards See also 798, State parks
Establishment. Support
Park commissioners
Boulevards and driveways
Buildings
Debts. Bonds
Eminent domain
Fences
Gifts and bequests
Ordinances. Regulations
Park corporations
Park police
Playgrounds
Public entertainment
Public baths and gymnasiums

Roads. Streets

General
State road systems and state aid
Road officers. Overseers. Street commissioners
Road districts
General improvement. Contracts
Road machinery and material
Street improvement See also 2568, Special assessments
Grading
Paving. Macadamizing
Street railways
Location. Opening. Altering. Vacating
Streets
Road taxes and work See also 2568, Special assessments
Poll tax and road work
Roads on boundaries. Joint roads
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Repair
Bicycles and bicycle paths

See also 1245, Bicycles (baggage); 1775, Bicycles (insurance)

2719 **Private roads**
2720 **Toll roads**
2721 Public purchase
2722 **Miscellaneous**
2723 Automobiles and motocycles
2724 Boundaries
2725 Building line
2726 Changing street name
2727 Cleaning. Watering
2728 Damage through defect See also 471, Torts: 2446. Municipalities
2729 Dangerous places
2730 Drainage
2731 Encroachments
2732 Fences
2733 Guide boards
2734 Headlights
2735 Hedges
2736 Highway regulations
2737 Obstruction. Injury to roads
2738 Opening street. Disturbing pavements
2739 Prescriptive rights
2740 Road engines on highways
2741 Stones
2742 Trees. Grassplots
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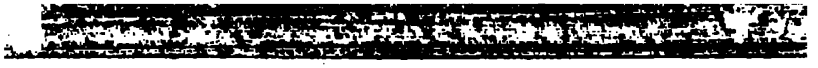

SOCIOLOGY DIVISION OF THE NEW YORK STATE LIBRARY

In order that the State Library may adequately fulfil its function as the state legislative library it is made the duty of the sociology division (1) to develop the resources of the library along lines of legislation and administration and (2) so to organize these resources that they will be readily available for use in consideration of legislative problems.

The library contains 361,294 bound volumes and 324,069 pamphlets. Of the volumes about 102,000 are in law and sociology. A large part of the books in law and sociology and a considerable part of the remaining relate to legislation. The collection of state and United States documents is particularly valuable. These collections form merely the raw material of a legislative library, no miscellaneous collection of books however great being worthy that name till indexed or classified with reference to problems of legislation.

Some work has been done toward making this great mass of material more readily available. Card indexes have been prepared of the session laws since 1890 of all states, of books treating comparatively laws and systems of other states, and of New York Senate and Assembly documents; and a few annotated reference lists on important subjects of legislation have been compiled. The sociology librarian with the use of these and other indexes attempts so far as possible to aid state officers and members of the Legislature in finding information needed in considering legislative and administrative problems. As yet, however, little more than a beginning has been made toward a proper organization of the resources of the library for this purpose. Such an

organization involves an index to the books, chapters and articles relating to each subject of legislation and an annotated list on each of the more important topics.

Reference lists. Reference lists have been prepared from time to time on topics under discussion in the Legislature and annotated lists have been published on central control of police, municipal home rule and municipal ownership.

Index of New York documents. Card index of New York Senate and Assembly documents 1840 to date. The Senate and Assembly documents include the reports of state departments, institutions, special investigating commissions, and legislative committees. As there is no printed index of these documents more recent than 1888, this index is an almost indispensable aid to the use of the numerous valuable special reports contained in the documents. The index is an alphabetic subject list and contains about 9000 entries.

Index of state legislation. Minutely classified summary or index of the general laws of all the states since 1890. About 45,000 laws are included. It furnishes a comprehensive view of existing laws on many subjects and greatly facilitates comparative researches on almost every topic. In a state that has had no recent revision of its statutes the index often serves as a convenient supplement to the compiled statutes.

File of state legislation. Collection of the laws (beginning with 1903) included in the above index. The separate laws are placed in a vertical file, classified according to the same system as are the cards in the above card index.

Index to comparative treatises. Card index of books and articles treating comparatively the laws and administrative systems of cities, states and foreign countries. This index was begun in 1900 and now contains about 800 titles. While many comparative treatises are in existence, they are usually published as part of a public document or as a chapter of a book and, therefore, are not usually brought out in bibliographies and library catalogues. In undertaking any comparative investigation, the student desires

first to learn what comparative compilations or abstracts have already been published. The index has proved invaluable in directing members of the Legislature and others to helpful sources of information concerning the laws of other states.

File of pamphlets and articles. A collection of the most important pamphlets and articles bearing on problems of legislation, classified in a vertical file. It has only recently been started and as yet is restricted chiefly to comparative studies. When more fully developed it is expected that the file will prove a timesaving device of great value.

Correspondence. References from any of the card indexes are mailed on application subject to a fee (New York legislators and officers excepted) covering cost of copying whenever more than a page of copying is required.

Research. The division has undertaken numerous comparative summaries or tabulations of the laws of the various states at the request of members and committees of the Legislature. In 1901 when the New York corporation tax laws were under revision numerous comparative studies on this subject formed the basis of the bulletin on *Taxation of Corporations in New York, Massachusetts, Pennsylvania and New Jersey.* At the request of the joint committee on educational unification, 1903, a comparative study was made of state school supervision.

Yearbook of legislation

As a contribution to better organization of material for comparative study of state government and laws three annual legislation bulletins are issued which are later bound together to form the *Yearbook of Legislation.*

The *Digest of Governors Messages* is a topical digest covering all the states and including related topics in the president's message.

The *Summary and Index of Legislation* is a minutely classified summary or index of new laws passed by all the states, including votes on constitutional amendments and decisions declaring statutes unconstitutional.

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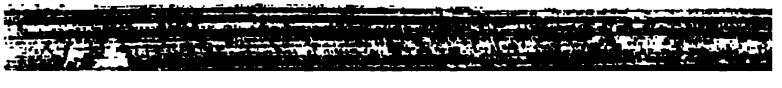

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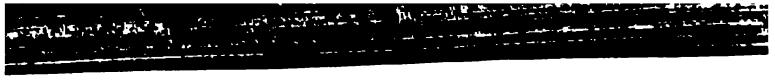

University of the State of New York

New York State Library

MELVIL DEWEY Director

Bulletin 88

BIBLIOGRAPHY 37

A SELECTION FROM THE

BEST BOOKS OF 1903

WITH NOTES

PREFATORY NOTE

To the Librarian

This is an annotated list of 250 books published in the United States in 1903, selected by the book board of the New York State Library and recommended to the public libraries of the State. To aid in choosing small collections of new books three classes are marked: books marked *a*, of which there are 20, are suggested to libraries which must confine their additions within narrow limits; 30 others marked *b* are also proposed to libraries that can buy 50 books; and 50 more marked *c* may be added to *a* and *b* to make up 100 books.

The remaining 150, including some reference books and a few more costly publications, are worthy careful consideration by libraries that can buy more than 100 books and by those wishing to enlarge resources in special subjects. Many of the unmarked works are of the highest merit. *Decimal Classification* numbers as used in the State Library are prefixed as a guide to libraries using this system. For convenience of libraries wishing to use them, Library of Congress printed catalogue card serial numbers are given in note type; also references to reviews. A short list of older books in materially altered editions, or transferred to other publishers, is appended.

The following from the *Journal of New Jersey libraries,* October 1903, applies equally to New York:

Look at books before buying them, if possible. Advertisements and reviews are both untrustworthy, especially where any library's special needs are to be considered.

Information about importing books, secondhand books, and even about new books which are under consideration, is always cheerfully given, when asked, by the larger libraries in the State.

Do not buy encyclopedias while in process of publication. They are aggravations until complete, and can always be bought more cheaply than they are at first offered a few months after publication. Read Eugene Field's story of the "Cyclopedy," and take warning. The same rule holds as to all subscription books. Avoid them. Shun books in parts. They cost more than they are worth to a library. They turn up in secondhand stores a few months after completion at low prices. Deluded purchasers find them white elephants and sell them. *Finest Orations, Noblest Essays, Royal Flim Flams, Huge Anthologies,* and the like all come to the secondhand man. Get them of him, if you must. In a small library they are generally almost useless. In subscription books, cases like this are not uncommon. Maspero wrote several large and learned volumes, in French, on Egypt and Chaldea. They were translated and published in three or four volumes in England, costing libraries in this country about $5 each. An American publisher reprints them in 12 small volumes with a few additional colored cuts, on heavier paper and in larger type and offers them through agents for $84—and libraries buy them!

Do not buy "sets" or complete editions of authors. Buy the volumes you need and as you need them. A complete set always includes several volumes you do not need.

Specify the edition you wish of standard books when you can, unless you find a bookseller able and willing to select them wisely for you.

While this list has been prepared with special reference to smaller public libraries, and some of these books are not recommended for school use, it will also be of much service to schools. Almost all the list is available. Any book under the heading "Juvenile" may be bought for academic libraries. But there are some books of fiction found here which serve a legitimate purpose in the public library by providing wholesome entertainment for a very different class of readers, yet have not enough positive value, either as literature or as a spur to historical study to justify their purchase by the school.

MELVIL DEWEY
Director

Albany, July 9, 1904

REFERENCE BOOKS

.823 *b* **Baker, E. A.** Descriptive Guide to the Best Fiction, British and American. Macmillan $2.50

39 4500 titles, grouped by period, with descriptive notes, publishers and prices; also lists of historical romances arranged chronologically. Includes chief translations of foreign novels. Fully indexed and surprisingly excellent in selection and annotation.
Nation, 76:249; Ath. 1903, 1:402; Acad. 64:225

Clark, J: W. The Care of Books: an Essay on the Development of Libraries and their Fittings from the Earliest Times to the End of the 18th Century. Macmillan $5 n

340 Concerned with buildings and methods of care and administration, not literary content. Deals largely with university and monastic types. Scholarly, sumptuously printed, 156 illustrations.
Acad. 61:460; Ath. 1901, 2:624

Shuman, E. L. Practical Journalism: a Complete Manual of the Best Newspaper Methods. Appleton $1.25 n

581 On the reporter's education, positions, salaries, newsgathering, the Sunday supplement, women in newspaper work, advertisements, law of libel and copyright, etc. Julian Ralph's *Making of a Journalist*, Harper $1.25 n., largely an account of his own experiences, is entertaining and suggestive; Gavit's *Reporter's Manual*, J. P. Gavit, Albany, $1 n., is a compact, self-indexing pocket book of valuable suggestion to the untrained and useful reminder to the experienced.
Nation, 77:306

.042 *b* **Lee, Sidney,** *ed.* Dictionary of National Biography: Index and Epitome. Macmillan $6.25 n

075 Summary of monumental work in 66 volumes. Every person entered there receives here approximately one fourteenth of original space. 30,378 articles, 3474 cross references. Specially valuable to libraries unable to buy expensive set for authoritative sketches and characterizations of distinguished Englishmen.
Ath. 1903, 1:559; Sat. R. 95:590; Nation, 76:476

PHILOSOPHY

.9 **Podmore, Frank.** Modern Spiritualism: A History and a Criticism. 2v. Scribner $5 n

64 Likely to become the standard work on the subject. He is the most sceptical of psychical researchers, and possesses extensive and firsthand acquaintance with the evidence. *Nation, 76:158*
Dial, 34:79; Sat. R. 95:110; Spec. 90:216

Myers, F: W. H. Human Personality and its Survival of Bodily Death. 2v. (42/n) Longmans $12 n

39 Exhaustive array of the phenomena of genius, sleep, hypnotism, sensory automatism, phantasms of the dead, motor automatism, trance, possession and ecstacy, with elaborate argument to prove that personality survives death.
Acad. 64:197; Critic, 42:461 (J: W. Chadwick), Sat. R. 95:424; Spec. 90:373

ETHICS

171 **Keller, Helen.** Optimism: an Essay. Crowell 75c n

3-30975 Three brief chapters embodying the cheerful and hopeful philosophy of the afflicted but brave young author.

177 *c* **Bell,** *Mrs* **Hugh.** The Minor Moralist. (Bell 4/6 n) Longmans $1.60 n

3-15146 Essays, characterized by good sense and lightened by touches of humor, on good manners, making a success of middle life, relations of mothers and daughters, beginning life with high ideals, merits and demerits of thrift, lot of the servant.
Acad. 64:246; Spec. 90:366

RELIGION

221 *c* **McFadyen, J: E.** Old Testament Criticism and the Christian Church. Scribner $1.50 n

3-12775 Book about criticism, not critical book about Bible. Tries to show what criticism is, that it in no way imperils faith but rather helps to bridge gulf between faith and reason.
Outlook, 74:431; Acad. 65:411

221.95 **Pinches, T. G.** Old Testament in the Light of Historical Records and Legends of Assyria and Babylonia. Ed. 2 enl. (S. P. C. K. 7/6) Young $2.50 n

Presents facts as recorded in cuneiform and hieroglyphic inscriptions side by side with Bible accounts, with no discussion and little expression of opinion. Popular, 16 plates.
Ath. 1903, 1:267

230 **Gordon, G: A.** Ultimate Conceptions of Faith. Houghton $1.30 n

3-21733 Comprehensive statement of the working theology of a foremost representative of liberal orthodoxy. Mainly Yale lectures.
Dial, 35:415

240 **Peabody, F. G.** The Religion of an Educated Man. Macmillan $1 n

3-27912 Lectures at Haverford College. (1) Religion as Education. (2) Message of Christ to the Scholar. (3) Knowledge and Service.

267.613 **Clark, F. E:** Christian Endeavor Manual. United Society of Christian Endeavor $1

3-8670 By founder of Christian Endeavor Society. Covers its history, principles, theories and practice in various channels of work. Bibliography and appendixes.

268 *b* **Mead, G: W.** Modern Methods in Sunday-school Work. Dodd $1.50 n

3-27915 Has collected from current life and progressive work of modern Sunday schools their own account of their administrative methods, collating, presenting and explaining the essential details of various successful plans.
Burton and Mathews's *Principles and Ideals for the Sunday School*, Univ. of Chicago pr. $1 n., deals less with specific plans, discussing aims, methods and ideals in connection with work of teacher and pastor.

289.9 **Elkinton, Joseph.** The Doukhobors, their History in Russia, their Migration to Canada. Ferris $2

3-4773 Account by a Quaker sympathizer of the persecuted Russian "Spirit Wrestlers" and the peculiar religious beliefs which affect their citizenship. Numerous photographic illustrations.
Nation, 76:382; Acad. 65:231; Ath. 1904, 1:204

296 **Joseph, Morris.** Judaism—as Creed and Life. (5/ n) Macmillan $1.60 n

4-5976 Bk 1, Beliefs; bk 2, Ceremonial; bk 3, Moral Duties.
A view of Judaism midway between strict orthodoxy and extreme liberalism. The latter is represented in Montefiore's *Liberal Judaism*, Macmillan $1.25. The author of the latter says: "Written in the hope that it may render spiritual service to many who are uncertain whether, or how far, they are still Jews."
Montefiore, Acad. 64:247; Spec. 90:824

296 *c* **Rosenau, William.** Jewish Ceremonial Institutions and Customs. Friedenwald Co. $1.50

3-4774 Usage and significance in synagogue services, home customs, feasts, fasts, circumcision, marriage, divorce, ritualistic slaughtering, etc. Photographs of utensils, ceremonial robes, etc.
Ath. 1903, 2:580; Nation, 76:355

SOCIOLOGY

See also Juvenile, p. 449 *and* New editions, p. 455

301 **Tarde, Gabriel.** Laws of Imitation. Holt $3 n

3-24233 Translation of scholarly French study of social structure published 13 years ago. Based on fundamental thesis that "society is imitation" and "began on the day when one man first copied another."
Annals of Amer. Acad. 23:360; Lit. W. 35:38

304 *c* **Morison, G: S.** The New Epoch as Developed by the Manufacture of Power. Houghton 75c n

3-28151 Fundamental idea, that the present age marks the beginnings of a great ethical period to embody distinct advance and change in human civilization. Full of interest and suggestion. *Nation, 78:38*

323 *c* **Hadley, A. T.** Freedom and Responsibility. (Yale Lectures on the Responsibilities of Citizenship) Scribner $1 n

3-31885 Argues that relation between political privileges and moral responsibilities of free citizenship is vital, and that legal or social theories which ignore this are likely to prove destructive. *Pittsburgh*

325.26 *a* **Du Bois, W: E: B.** Souls of Black Folk. McClurg $1.20 n

3-11173 Contends for the spiritual uplifting of the negro as the necessary complement of Mr Washington's practical and material theories.
Professor Du Bois is perhaps the most scholarly man of his race in America. *Dial, 34:300*
Acad. 65:103; Nation, 76:481; Outlook, 74:214

ETHICS

171 **Keller, Helen.** Optimism: an Essay.

3-30975 Three brief chapters embodying the cheerful phy of the afflicted but brave young author.

177 *c* **Bell,** *Mrs* **Hugh.** The Minor Mor (Bell 4/6 n

3-15146 Essays, characterized by good sense an humor, on good manners, making a succ of mothers and daughters, beginning f and demerits of thrift, lot of the serv Acad. 64:246; Spec. 90:366

RELIGION

221 *c* **McFadyen, J: E.** Old T Christian Church.

3-12775 Book about criticism, not cr show what criticism is, that it helps to bridge gulf between f Outlook, 74:431; Acad. 65:

221.95 **Pinches, T. G.** Old torical Records a lonia. Ed. 2 enl

Presents facts as reco tions side by side with expression of opinion. Ath. 1903, 1:267

230 **Gordon, G: A.**

3-21733 Comprehensive st representative of f Dial, 35:415

240 **Peabody, F.** Ideals.

3-27912 Lectures at H Message of Ch

267.613 **Clark, F.**

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Amer. Book & Bib

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Citizen Ser.)

327.73 *c* **Foster, J: W.** American Diplomacy in the Orient. Houghton $3 n

3-4448 Taken in connection with his *Century of American Diplomacy* constitutes first systematic attempt to present a clear and concise discussion of questions of foreign policy arising out of our relations with countries of Far East. *Annals of Amer. Acad. 22:221*
Texts of treaties and protocols in appendix.
Amer. Hist. R. 9:180 (T. S. Woolsey); Dial, 35:34; Lit. W. 34:115

329 **Woodburn, J. A.** American Republic and its Government. Putnam $2 n

——— Political Parties and Party Problems in the United States. Putnam $2 n

3-4763 3-9361 Form together a treatment of civil government in this country, both theoretical and historical. The declared aim was to prepare a work intermediate between the elementary textbook and the comprehensive treatises of Bryce and Ostrogorski. *Dial, 34:378*
Nation, 76:437, 77:339; Lit. W. 34:115, 206

330 *a* **Brooks, J: G.** The Social Unrest. Macmillan $1.50 n
Special ed. pap. 25c

3-1440 He has divested himself to an unusual degree from bias and class prejudice, and, on terms of familiarity and intimacy with leaders of both capital and labor, writes from fullness of experience.
Ath. 1903, 1:680; Dial, 34:233; Polit. Sci. 2, 18:343; Atlantic, 91:569 (J. H. Gray)

331.4 *b* **Van Vorst, *Mrs* Bessie & Van Vorst, Marie.** The Woman Who Toils. Doubleday $1.50 n

3-4201 Authors studied life of working women by sharing it in a Pittsburg pickle factory, a southern cotton mill, a Lynn shoe factory, making clothing in Chicago, etc.
Ath. 1903, 2:218; Critic, 42:375 (O. H. Dunbar); Dial, 34:402; Nation, 77:39

331.87 *c* **Mitchell, John.** Organized Labor, its Problems, Purposes and Ideals.
Amer. Book & Bible House $1.75 n

3-27926 Partizan in discussion of nearly every subject, despite indications that he strives to be fair-minded. However, he holds high ideals before the laboring class. *Annals of Amer. Acad. 23:546*
Lit. W. 34:339

336.73 **Dewey, D. R.** Financial History of the United States. (Amer. Citizen Ser.) Longmans $2

3-4764 From colonial period to present. Historical, not didactic and eminently fair in presenting various sides. Annotated bibliographies and 18 graphic charts.
Jour. of Polit. Econ. 2:487; Dial, 35:311; Nation, 77:121

338.8 **Meade, E: S.** Trust Finance. (Appleton's Business Ser.) Appleton $1.25 n

3-11174 Study of the genesis, organization and management of industrial combinations.
Extended examination of the United States Steel Corporation of particular interest. *Jour. of Polit. Econ. 12:156*
Dial, 35:44; Nation, 77:191

.0747 **Hodder, Alfred.** A Fight for the City.
Macmillan $1.50 n

528 Account of William Travers Jerome's campaign (1901) for office of district attorney for New York county. First published in *Outlook.*
Nation, 77:12; Dial, 35:129

.7 **Long, J: D.** The New American Navy. 2v.
Macmillan $5 n

878 Short sketches of navy from Civil War to early eighties, history of new development and account of recent exploits and present condition.
Lit. W. 35:39; Nation, 78:52

c **Booth, *Mrs* Maud Ballington.** After Prison—What?
Revell $1.25 n

751 Describes her personal work among prisoners and the results which have followed the methods advocated.
Annals of Amer. Acad. 23:349; Bookman, 18:645; Nation, 77:533

Johnson, E. R. American Railway Transportation. (Appleton's Business Ser.) Appleton $1.50 n

360 Describes existing system, discussing questions connected with ownership, management, monopoly and competition, rates, fares, relations with state, etc. Semi-popular. Bibliographic references.
Meyer's *Railway Legislation in the United States* (Citizen's Lib. of Economics and Politics). Macmillan $1.25 n., gives condensed analysis of private and public laws governing railways and of important decisions affecting interstate commerce.
Johnson, Nation, 77:531; Dial, 36:391; Meyer, Annals of Amer. Acad. 22:345; Dial, 36:393

EDUCATION

.42 **Baldwin, W: A.** Industrial-social Education.
Milton Bradley Co. $1.50

889 Describes work being done at Hyannis Mass. with discussion of pedagogic reasons; chapters on weaving, raphia, rattan and splint baskets, hammock making, school gardens, sewing etc. Fully illustrated.

.1 **Buck, Winifred.** Boys' Self-governing Clubs.
Macmillan $1 n

651 Manual suggesting methods for organizing and conducting boys clubs; based on 12 years' experience. Interesting chapter on criminal acts in children.
Spec. 90:944

.73 **Adams, O. F.** Some Famous American Schools.
Estes $1.20 n

852 Popular papers on boys' schools—Nazareth Hall, Phillips Andover, Phillips Exeter, Lawrenceville, St Paul's, St Mark's, Shattuck, Groton and Belmont. Nearly 50 photographic illustrations.

.11 *a* **Eliot, C: W.** More Money for the Public Schools.
Doubleday $1 n

062 Sums up benefits and shortcomings of present public education and urges need of fireproof and sanitary buildings, attractive school yards, medical inspection, pensions, improved curriculums, better equipped teachers, etc.
Dial, 35:93; Nation, 77:173

CUSTOMS AND FOLKLORE

See also Juvenile, p. 450

391 *c* **Earle, *Mrs* Alice (Morse).** Two Centuries of Costume in America, 1620-1820. 2v. Macmillan $5 n

3-31011 Alive with gossip and anecdote of the time, with abundance of illustration, it is an invaluable book of reference for every detail of dress from 1620 to 1820.

Ath. 1904, 1:263; Dial, 36:46; Nation, 78:55; Spec. 92:336

NATURAL SCIENCE

See also Juvenile, p. 450 *and* New editions, p. 455

507 *b* **Bailey, L. H.** The Nature-study Idea. Doubleday $1 n

3-10055 Explains purpose and indicates spirit and methods which should prevail in putting children in touch with nature. Does not outline courses or give specific directions.

Critic, 43:168 (D. L. Sharp); Dial, 34:405

523.13 **Wallace, A. R.** Man's Place in the Universe. McClure $2.50 n

4-21 Considers evidence for or against the probable existence on other worlds of such organic life, specially human, as is found on the earth. *Dial, 36:148*

Nation, 78:34; Spec. 92:54

546 **Hammer, W: J.** Radium and other Radio-active Substances. Van Nostrand $1

3-16267 Most complete work on subject. (1903) Deals with radium, polonium, actinium, thorium, phosphorescent and fluorescent substances, applications of selenium, and treatment of diseases by ultra-violet light. Bottone's *Radium and All about It,* Whittaker, 35c n., is much more popular, treating of scientific aspects only, not practical applications.

Nation, 78:211

551 **Partsch, J. F. M.** Central Europe. (Appleton's World Ser.) Appleton $2 n

3-25895 Includes German empire, Austro-Hungary, the Balkans, Switzerland. Treats physical features in detail and points out influence on national life and political and economic development.

Ath. 1903, 2:488; Acad. 64:583

575 **Metchnikoff, Elie.** The Nature of Man: Studies in Optimistic Philosophy. Putnam $2 n

3-26337 Elaborates the idea of functional harmonies and disharmonies with special consideration of influence on old age and death.

Addressed to disciplined minds and in especial, to the biologist. *Preface*

Amer. Jour. of Soc. 9:580 (A. W. Small); Dial, 36:329 (A. K. Rogers); Nation, 78:56; Sat. R. 96:802

581.61 **Snow, C: H.** The Principal Species of Wood: their Characteristic Properties. Wiley $3.50

3-9910 Primarily intended for workers in wood. Gives general description of each genus, with full page plate generally showing detail of bark, leaf and wood, as well as general tree form. For each species is given scientific and various local names, locality, general features, color and appearance of wood, structural qualities, representative uses, weight etc. Describes about 125 species. 39 plates.

Nation, 76:417

581.973 *c* **Keeler, H. L.** Our Northern Shrubs and How to Identify Them. Scribner $2 n

3-11679 Popular guide on same general plan as her *Our Native Trees.* Each of 230 species analyzed scientifically and described popularly with special reference to its origin, history, hardihood and decorative possibilities. 205 plates from photographs, 35 drawings.
Critic, 43:166 (D. L. Sharp); Dial, 34:367; Lit. W. 34:143

587.3 *c* **Waters, C. E.** Ferns: a Manual for the Northeastern States. Holt $3 n

3-20407 For amateur botanists. Outcome of 14 years' field study. Provides a system of identification based on stem structure as well as that based on fructification. Remarkably beautiful and instructive collection of fern photographs. Too heavy for field use.
Dial, 36:122; Nation, 77:382

589.95 **Conn, H. W.** Bacteria, Yeasts and Molds in the Home. Ginn $1

3-32453 For practical housekeepers and students of household economics. Deals with beneficent and destructive growths, conditions of production, preservation processes, control of contagion, etc.

591.5 *b* **Bostock, F. C:** Training of Wild Animals. Century $1 n

3-16266 By experienced trainer. Dwells on animal traits in captivity and hazardous lives of trainers, rather than details of methods of training for show ring.
Nation, 77:135

591.5 *b* **Long, W: J.** A Little Brother to the Bear, and other Animal Studies. Ginn $1.50 n

3-27981 Observations and inferences wrought into excellent tales of bears, coons, woodcock, toads, wildcats, moose and other wild creatures. Attractively illustrated.
Acad. 65:650; Dial, 35:468; Nation, 77:489

591.5 **Walton, M. A.** A Hermit's Wild Friends. Estes $1.50 n

3-25738 Animal lore and woodcraft. Author somewhat widely known as the hermit of Gloucester. Illustrated.
Dial, 35:468

595.7 *c* **Comstock, A. B.** Ways of the Six-footed. Ginn 40c

3-13361 On mosquitos, katydids, wasps, moths, ants and other common insects. Of value and interest as observations and attractive in literary quality and illustration. For adults, primarily.

595.78 **Holland, W: J.** The Moth Book. Doubleday $4 n

3-31233 Popular, compact descriptions of peculiar features, habits and distribution of North American species. 48 colored plates and 263 text illustrations. Introductory chapters on life history, anatomy, capture, preservation and classification. Bibliography.
Nation, 78:117; Dial, 36:41; Science, 19:188 (L. O. Howard)

598.2 *c* **Chapman, F. M.** Color Key to North American Birds. Doubleday $2.50 n

3-31958 Systematic list of birds with over 800 sketches, diagrammatic rather than lifelike, indicating characteristics and color of birds when seen at a distance, with brief notes to aid identification. Includes species and subspecies from Panama to the Pole.
Nation, 78:111

598.2 *a* **Weed, C. M. & Dearborn, Ned.** Birds in their Relations to Man: a Manual of Economic Ornithology. Lippincott $2.50 n

3-14872 Discusses kind and quality of food, animal and vegetable, consumed by various species. Chapters on conservation and prevention of depredations. Annotated bibliography; illustrations.
Dial, 35:128; Lit. W. 34:170; Nation, 77:136

USEFUL ARTS

See also Juvenile, p. 451

613.7 *b* **Benson, E: F. & Miles, E. H.** Daily Training. (Athletic Lib.) Dutton $1.50 n

3-16363 Concerning exercise, diet, stimulants, water, heat, sleep, rest etc. under ordinary conditions. Thoroughly manly and practical. The joint authors agree on broad principles, though differing widely in personal practices.
Ath. 1903, 1:179: Nation, 76:331

613.7 *c* **Hancock, H. I.** Japanese Physical Training. Putnam $1.25 n

3-32598 Describes "Jiu-Jitsu," the system of exercises for acquiring strength and skill in self-defense, and Japanese habits as to diet, fresh air, use of water, etc. Photographic illustrations.
Acad. 66:246; Dial, 36:302; Nation, 78:135

613.81 **Billings, J: S.** *ed.* Physiological Aspects of the Liquor Problem. 2v. Houghton $4.50 n

3-14025 4th subreport to committee of 50. Concludes that use of alchohol impairs mental work, lessens physical power, does not protect against cold and fatigue and diminishes resistance to infectious diseases. Condemns and exposes fallacy of some misdirected efforts to promote temperance.
Nation, 77:52

616.246 *c* **New York Charity Organization Society.** Handbook on the Prevention of Tuberculosis. N. Y. Charity Organization Society $1 n

This book, prepared by specialists, is a magazine of information, in plain terms and for practical use, concerning evils to be eradicated, dangers to be guarded against and curative methods (not medical treatment) to be practised. Every town improvement society should be familiar with it, and families shadowed by consumption should have its help. It points to a day when this scourge shall be driven out.

619 **Mayo, N. S.** Care of Animals. (Rural Science Ser.) Macmillan $1.25 n

3-32828 Brief, popular advice on diseases and ailments of farm animals with directions about general care, quarters, care of pets, and judging, handling and shoeing horses.
Ath. 1904, 1:367; Nation, 78:130

630.2 **Burkett, C: W:, Stevens, F. L. & Hill, D. H.** Agriculture for Beginners. Ginn 75c

3-18728 Illustrated school manual. Treats of soil, plant growth, cross breeding, plant diseases and pests, domestic animals, dairying. Similar in scope, less fully illustrated, with chapters on wind and weather, is Bessey, Bruner and Swezey's *New Elementary Agriculture for Rural and Graded Schools*, Univ. Pub. Co. Lincoln Neb. 60c.
Sat. R. 97:24

c **Hemenway, H. D.** How to Make School Gardens. Doubleday $1 n

729 Illustrated manual for teacher and pupil. Gives in the form of daily lessons, explicit directions for young pupils. Author director of Hartford School of Horticulture. Bibliography.
Nation, 76:523

Laut, A. C. Story of the Trapper. (Story of the West Ser.) Appleton $1.25 n

285 Sketches efforts of rival companies to control American fur field, describes trapper's daring and picturesque life, the wilderness training and the ways of beasts.
Dial, 34:244; Nation, 76:39

Clark, T. M. Care of a House. Macmillan $1.50 n

845 Volume of suggestions by an architect to householders, housekeepers, landlords, tenants, trustees and others for the economical and efficient care of dwelling houses.
Acad. 65:470; Ath. 1904, 1:86; Nation, 77:491

Pettengill, Lillian. Toilers of the Home. Doubleday $1.50 n

107 Detailed and gossipy record of a college woman's experiences as domestic servant in five families within nine months. Presents no new conclusions but offers food for thought.
Annals of Amer. Acad. 23:358; Nation, 78:334

Altmaier, C. L. Model Type-writing Instructor. Schoch $1

742 Handbook by teacher in Drexel Institute, with instruction as to touch, manipulation of machine, arrangement of material, etc. Includes drills for civil service examinations. Printing imitates typewritten work.

Scott, W. D. Theory of Advertising. Small $2 n

836 Illustrated study of psychologic values in advertisements. A practical aid to advertisers and interesting to many general readers.

Hopkins, G: M. Home Mechanics for Amateurs. (Scientific Amer. Ser.) Munn $1.50

920 Wood-working, how to make household ornaments, metal-working, model engines and boilers, meteorology, telescopes and microscopes, electricity. Appeared in part in *Scientific American*.

FINE ARTS

See also Juvenile biography, p. 452

b **Robinson, C: M.** Modern Civic Art. Putnam $2.50 n

052 Practical, stating general principles, and applying to specific problems of convenience and beauty which confront cities.
Critic, 43:283; Lit. W. 34:211

b **Ely, H. R.** A Woman's Hardy Garden. Macmillan $1.75 n

45 Remarkably practical, written from experience and exact in information. Many dated photographs taken in author's garden, 70 miles from New York.
How to Make a Flower Garden, Doubleday $1.60 n., a handsome quarto, consists of over 50 papers by various writers, with 100 beautiful photographic illustrations.
Dial, 34:360; Nation, 76:293

716.2 **Weed, C. M.** The Flower Beautiful.
Houghton $2.50 n

3-12301 Arrangement of flowers and their decorative value indoors. Considers relation (1) to each other, (2) to the receptacle, (3) to the environment. Beautifully illustrated and printed.
Dial, 34:361; Lit. W. 34:229; Nation, 77:271

720 *a* **Sturgis, Russell.** How to Judge Architecture.
Baker & T. $1.50 n

3-27974 Attempts to assist layman to better appreciation of the qualities which raise a building into the domain of the fine arts. *Nation, 77:490*
Abundant illustrations.
Dial, 36:161; Lit. W. 34:353

720.738 **Anderson, W: J. & Spiers, R. P.** Architecture of Greece and Rome.
(Batsford 18/ n) Scribner $7.50 n

3-7766 Sketch of development. Popular, trustworthy, without effort to urge special theory, amply illustrated. Written out of full knowledge but neither very well ordered nor free from repetitions. 179 excellent illustrations.
Ath. 1903, 1:472; Nation, 76:215; Spec. 90:157

726.6 **Miltoun, Francis.** Cathedrals of Northern France.
Page $1.60 n

3-28875 In spite of shortcomings, a useful handbook for travelers having a not too profound interest in church architecture and history. Not so valuable for home study as Wilson's *Cathedrals of France*, Churchman Co. $3, with over 200 illustrations from photographs.
Nation, 77:484

733 **Murray, A. S.** Sculptures of the Parthenon.
(Murray 21/ n) Dutton $6.50 n

3-16536 Brings together a series of photographic reproductions, small but clear and adequate, which include nearly everything still extant, supplemented by Carrey's drawings, made in 17th century, of those since destroyed. Text mainly for artist and general reader, but often suggestive even to special student of archeology. *Ath. 1903. 2:259*
Mach's *Greek Sculpture*, Ginn $4.50, addressed to students of art, executing artists and general reader, treats of spirit and principles in familiarly instructive manner. Many halftone plates. Author intends to issue collection of about 500 reproductions of statues and reliefs in uniform size for use in further illustration.
Murray, Atlantic, 93:413; Nation, 77:121

735 *c* **Taft, Lorado.** History of American Sculpture. (History of Amer. Art) Macmillan $6 n

3-30490 Treats in chronologic order all our sculptors, famous and obscure, down to men still living, and avoids too enthusiastic or too severe a tone. *Atlantic 93:411*
12 photogravures, 104 halftones.
Nation, 77:487; Dial, 36:150

738 *c* **Moore,** *Mrs* **N. H.** Old China Book: including Staffordshire, Wedgwood, Lustre and other English Pottery and Porcelain. Stokes $2 n

3-13375 Mainly old English wares found in America. Profuse illustration, description, historical notes, value, lists of local views, etc.
Dial, 35:94; Nation, 77:51

740 c **Kelley, L. E.** Three Hundred Things a Bright Girl can Do. Estes $1.20 n

3-29591 Instruction in bead, worsted and thread work, joinery, wood-carving, pyrography, basketry, rug making, clay modeling, paper flowers, athletics, taxidermy, bee keeping, suggestions for entertainments, girls clubs, etc.

745 **Day, L. F.** Pattern Design. (Batsford 7/6 n) Scribner $3 n

4-7318 For students, treating in a practical way of the anatomy, planning and evolution of repeated ornament. Supersedes his *Anatomy of Pattern.* Fully illustrated.

Nation, 78:69

745 **Wilson, V. T.** Free-hand Lettering. Wiley $1

3-29281 Treatise on plain lettering from the practical standpoint for use in engineering schools and colleges. Illustrated.

L. F. Day's *Lettering in Ornament,* Scribner $2 n., is an amply illustrated study of the decorative use of lettering, past, present and possible; it follows his *Alphabets, Old and New* (1899), which deals only with forms of letters, not their ornamental application in art. T. C. Brown's excellent *Letters and Lettering* (1902) deals with various matters treated more fully in these volumes, and would perhaps be the best *single* designer's handbook if library could buy but one.

Wilson, Engineering Record, 49:32; Day, Nation, 76:292

749 c **Wheeler,** *Mrs.* **Candace (Thurber).** Principles of Home Decoration. Doubleday $1.80 n

3-4677 Deals with theory and specific applications, art being understood to imply both appropriateness and beauty.

Nation, 77:158

750 **Van Dyke, J: C:** Meaning of Pictures. Scribner $1 n

3-4678 Columbia University lectures at Metropolitan Museum. Aims to train popular understanding to nicer and more intelligent appreciation. Suggestive, not didactic. 30 excellent reproductions illustrate text. Deals less definitely with specific pictures and schools than Witt's *How to Look at Pictures* (1902), being concerned with them rather as illustrating principles.

Nation, 76:500; Dial, 34:406

759.1 **Way, T. R. & Dennis, G. R.** Art of James McNeill Whistler. (Bell 10/6 n) Macmillan $3 n

4-487 No adequate treatment of Whistler has yet appeared. This volume deals almost solely with his art, is illustrated by over 50 halftones and has temporary value. *Recollections and Impressions of James A. McNeill Whistler* by A. J. Eddy, Lippincott $2 n., is a collection of anecdotes and miscellaneous data by an extravagant admirer, with 12 excellent plates.

Way, Atlantic, 93:412; Sat. R. 97:120; Eddy, Ath. 1904, 1:312; Nation, 77:486; Dial, 36:110

759.4 **Mauclair, Camille.** French Impressionists, 1860-1900. (Popular Lib. of Art) (Duckworth 2/n) Dutton 75c n

3-16538 Discusses theory of impressionism, with critical estimates of work of Manet, Degas, Claude Monet, Renoir, and briefer mention of many other impressionists and neoimpressionists. 50 halftones.

Dial, 35:176; Nation, 76:499; Ath. 1903, 1:727

MUSIC

780.3 **Hughes, Rupert,** *ed.* The Musical Guide. 2v. McClure $6 n

3-26388 Contains a pronouncing and defining dictionary of terms, instruments etc., a biographic dictionary of musicians, stories of leading operas, short, signed critical or explanatory essays and paragraphs by authorities, charts, illustrative passages, etc. Useful reference book for libraries which can not afford the expensive works of Grove or Champlin and Apthorp.
Lit. W. 35:14

780.7 *b* **Lavignac, Albert.** Musical Education. (Appleton's Musical Ser.) Appleton $2 n

3-11513 Takes up almost every question which confronts parents in connection with a child's musical training and gives practical advice in clear and even entertaining language.
Nation, 76:520; Dial, 35:42; Critic, 43:191

AMUSEMENTS AND SPORTS

793 *c* **White, Mary & Sara.** Book of Children's Parties. Century $1 n

3-26321 For parents and guardians. Describes great variety of games and entertainments appropriate to each season. Suggests favors and menus. Illustrated.
Nation, 77:449

796 **Athletics** and Outdoor Sports for Women; with an introduction by L. E. Hill. Macmillan $1.50 n

3-11989 Chapters by specialists on physical training, gymnasium work, dancing, cross-country walking, skating, rowing, golf, running, tennis, hockey, basketball, equestrianism, fencing, bowling, track athletics. Illustrated. Introduction by director of physical training at Wellesley.
Nation, 76:416

POETRY

See also Juvenile, p.451

811.49 *c* **Lewis, C. M.** Gawayne and the Green Knight: a Fairy Tale. Houghton $1 n

3-23867 An agreeable reversion to a type of poetry now little cultivated. There is no mysticism here and there is a great deal of humor. It belongs to that school of English poetry of which the first and greatest is Chaucer. *Atlantic, 93:121*

811.49 **Peabody, J. P.** The Singing Leaves. Houghton $1 n

3-29648 A little book of little songs wherein many childish dreams and fancies, graceful, tender and altogether alluring, find expression.
Nation, 77:487; Dial, 35:476; Atlantic, 93:119

811.49 **Woodberry, G: E:** Poems.. Macmillan $1.50 n

3-29822 Includes earlier volumes, My Country, Wild Eden, Players' Elegy, North Shore Watch, Odes and Sonnets, with some hitherto unpublished verse.
Nation, 77:488; Dial, 36:198

821.89 *b* **Kipling, Rudyard.** The Five Nations. Doubleday $1.40 n

3-24544 Old and new poems including The Sea and the Hills, White Horses, The Feet of the Young Men, Truce of the Bear, The Palace, White Man's Burden, Our Lady of the Snows, The Lesson, Islanders, Piet, Boots, Recessional, etc.
Acad. 65:319; Dial, 35:355; Nation, 77:387; Ath. 1903, 2:474

DRAMA

812.49 **Cameron, *Mrs* Margaret.** Comedies in Miniature. McClure $1.30 n

3-23877 11 light parlor plays, dialogues and monologues, easily set. Characters mostly women.

822.29 { **Everyman:** a Moral Play. Fox, Duffield $1
{ **Everyman:** a Morality Play; ed. with an introd. by M. J. Moses. J. F. Taylor $1

3-9614 The Fox, Duffield edition imitates old prints with cream laid
3-27494 paper and illustrations from 16th century edition, but uses modern spellings. The Taylor edition devotes 80 pages to introduction, notes and bibliography, gives text in old spellings and is illustrated from 12 photographs of modern stage settings.
Fox, Nation, 76:314; Taylor, Lit. W. 35:43

822.8 **Mackaye, Percy.** The Canterbury Pilgrims: a Comedy. Macmillan $1.25

3-8333 An acting play in blank verse, the characters being Chaucer and the Canterbury pilgrims.
Lit. W. 34:124; Nation, 76:480

ESSAYS, HISTORY OF LITERATURE, ETC.

See also New edition, p.455

810.9 *c* **Trent, W: P.** History of American Literature, 1607-1865. (Short Histories of the Literatures of the World) Appleton $1.40 n

3-15003 Excellent outline, packed with historical facts, critical evaluations, names and titles, deftly combined and discussed in an interesting style. Higginson's *Reader's History of American Literature,* Houghton $1.25 n., based on Lowell lectures and rich in personal reminiscence, is less comprehensive, but more readable; Woodberry's *America in Literature,* Harper $1.50 n., consists of seven essays treating chronologic or sectional groups, but forming a critical estimate rather than a history.
Trent, Bookman, 18:414 (Richard Burton); Dial, 35:175; Nation, 77:251; Higginson, Dial, 35:314; Nation, 78:136; Woodberry, Acad. 66:13; Lit. W. 35:13; Nation, 78:18

814.49 *b* **Aldrich, T: B.** Ponkapog Papers. Houghton $1 n

3-26157 Brief essays, notebook paragraphs, occasional bits of verse and an appreciation of Robert Herrick. Exquisite in wit and expression.
Dial, 35:359; Nation, 77:509

814.49 **Brown, W: G.** Foe of Compromise, and other Essays. Macmillan $1.50 n

3-28575 Other essays: A Defence of American Parties; The Task of the American Historian; Great Occasions of an American University.
Nation, 78:50; Dial, 36:323

814.49 *b* **Buckham, James.** Where Town and Country Meet. Jennings $1 n

3-11256 He writes about what he sees along the paths from his back door to his various fishing holes. *Critic, 43:167 (D. L. Sharp)*
He uses the five senses and the sixth sense of sympathy, and does not bother with field glasses, or microscopes and technicalities. *Lit. W. 34:149*
Dial, 34:365

814.49 **Chesterton, G. K.** Varied Types. Dodd $1.20 n

4-14141 On Charlotte Brontë, William Morris, Pope, Rostand, Stevenson, Tolstoy, Bret Harte, Alfred the Great, Queen Victoria, the German Emperor, Tennyson, etc. Reprinted from London newspapers.
Critic, 43:572; Nation, 77:509

814.49 *a* **Crothers, S: McC.** The Gentle Reader. Houghton $1.25 n

3-25285 11 delightfully humorous and genial essays that suggest Charles Lamb and Oliver Wendell Holmes. *Pittsburgh*
Mainly reprinted from the *Atlantic.*
Critic, 44:557; Dial, 35:360

814.49 **Mabie, H. W.** Backgrounds of Literature. Macmillan $2 n

3-26146 Wordsworth, Emerson, Irving, Goethe, Blackmore, Whitman and Scott are treated in essays generally combining analysis of work with description of environment. Beautifully illustrated.
Nation, 78:198; Dial, 35:425

814.49 *c* **Torrey, Bradford.** Clerk of the Woods. Houghton $1.10 n

3-22540 Brief papers which chronicle outdoor affairs from May to April. Reprinted from *Boston Transcript* and *New York Mail and Express.*
Here is a prose poet who has the grace of walking and talking at the same time. *Dial, 35:467*
Nation, 77:361

818.4 **Owen, Belle.** A Prairie Winter. Macmillan $1 n

3-8906 Record of quiet country life, by an Illinois girl alert to natural beauty and the charms of simple living.
Lit. W. 34:126; Critic, 43:167 (D. L. Sharp)

818.4 *b* **White, S. E:** The Forest. Macmillan $1.50 n

3-27957 Woodcraft, camper's lore, character sketches, description and analysis of the charm of out of doors, held together by the experiences of a canoe trip through the woods of Canada and northern Michigan. Illustrated.
Bookman, 18:299; Nation, 77:430; Lit. W. 34:349; Spec. 92:257

820.9 **Garnett, Richard & Gosse, E. W.** English Literature; an Illustrated Record. 4v. (Heinemann each 16/n) Macmillan each $6 n

4-1596 v. 1, From the beginnings to the age of Henry 8; v. 2, Henry 8 to Milton; v. 3, Milton to Johnson; v. 4, Johnson to Tennyson.
The abundance and excellence of the illustrations, including facsimiles of manuscripts, autographs, engravings, title-pages, portraits, views of places, buildings, etc. give it a quite peculiar value. *Nation*
Volumes sold separately.
Nation, 77:59, 78:177; Dial, 35:5, 36:158; Spec. 91:205; Ath. 1903, 2:113, 1904, 1:424

823.83 c **Ward, H. S. & C. W. (Barnes).** The Real Dickens Land. (Chapman 10/6 n) Lippincott $3.50 n

4-1916 Lovingly traces footsteps of novelist and his characters, in England. Fine photographs of associated buildings and scenes are reproduced on nearly every page. The full index goes beyond the book's actual content in providing a condensed directory to Dickens land.

Ath. 1903, 2:582; Sat. R. 96:680

824.89 **Paget, Violet,** "Vernon Lee" *pseud.* Hortus Vitae; or, The Hanging Garden. (3/6 n) Lane $1.25 n

Short essays of distinctly literary quality on Reading Books, Against Talking, On Going to the Play, The Blame of Portraits, Making Presents, etc.

Acad. 65:493; Ath. 1904, 1:48; Spec. 92:161

824.89 **Yeats, W: B.** Ideas of Good and Evil. Macmillan $1.50 n

3-28146 Short essays on poetry, magic, William Blake, symbolism in painting and poetry, the theater, Ireland and the arts, the Celtic element in literature, etc.

Nation, 77:52; Acad. 64:589; Ath. 1903, 1:807

828.8 **Phillpotts, Eden.** My Devon Year. Macmillan $2

4-2650 Series of nature pictures written in prose which is sometimes near poetry. *Athenaeum 1904, 1:8*

38 chapters rarely exceeding six pages, independent but chronologically arranged, and each accompanied by an illustration.

Acad. 65:531; Spec. 92:157

851 **Kuhns, Oscar.** Great Poets of Italy. Houghton $2 n

3-28120 The poets most fully represented are Dante, Petrarch, Ariosto, Tasso, Alfieri, Leopardi and Carducci. Forms a tolerably consecutive history of Italian poetry. 12 excellent portraits; copious extracts in translations almost invariably good. *Nation, 77:485*

Dial, 35:418 (W. M. Payne)

DESCRIPTION AND TRAVEL

See also Juvenile, p. 451 *and* New editions, p. 455

911.73 c **Semple, E. C.** American History and its Geographic Conditions. Houghton $3 n

3-26624 Study of the dominant influence of geographic conditions on successive events of American history, and on the great factors of progress, railroads, immigration, distribution of cities, etc. Excellent maps. Brigham's more popular, illustrated *Geographic Influences in American History*, Ginn $1.25, considers America's development from the geologist's point of view and is of more interest to the geographer than to the student of history.

Dial, 36:124; Nation, 77:534; Amer. Hist. R. 9:571 (A. B. Hart)

913.38 **Gulick, C: B.** Life of the Ancient Greeks: with Special Reference to Athens. (20th Century Textbooks) Appleton $1.40 n

3-734 Comprehensive handbook, copiously illustrated, by assistant professor of Greek at Harvard. Supplementary tables of references to Xenophon, and sources of illustrations, bibliography and indexes.

The Private Life of the Romans, by Professor Johnston of Indiana University, Scott, F. & Co. $1.50 (Lake Classical Ser.), serves a similar purpose for students of Latin authors.

Nation, 76:362

913.38 **Richardson, R. B.** Vacation Days in Greece. (Smith & E. 7/6 n) Scribner $2 n

3-23398 Author lived 11 years in Greece and visited parts rarely seen by travelers. Chapters on Sicily and Dalmatia. Rich both in entertainment and instruction. Maps and illustrations.
Nation, 77:339

913.569 *c* **Sanday, William & Waterhouse, Paul.** Sacred Sites of the Gospels. (Frowde 13/6 n) Oxford Univ. (Amer. branch) $4.50 n

3-31937 55 plates from photographs, many elaborate plans and maps with descriptive notes. Text on external aspect of Palestine in time of Christ, sites within and outside Jerusalem, recent literature and the temple of Herod.
Ath. 1903, 2:196; Nation, 77:254; Sat. R. 97:272

914 **Symons, Arthur.** Cities. Pott $3

4-7865 Impressionist sketches of Rome, Venice, Naples, Seville, Prague, Moscow, Budapest, Belgrade, Sofia, Constantinople. Eight photogravures from old pictures.
Acad. 65:437; Ath. 1903, 2:641; Dial, 35:424; Sat. R. 96:674; Atlantic, 93:276

914.38 *c* **Brandes, Georg.** Poland: a Study of the Land, People and Literature. Macmillan $3 n

3-25625 "Impressions" written in four sections dated 1885, 1886, 1894, 1899.
Fascinating mixture of history, philosophy, literary criticism and personal experience. *Dial, 35:169 (W. M. Payne)*
Ath. 1903, 1:526; Critic, 42:559 (Christian Brinton)

914.56 **Chandlery, P. J.** Pilgrim-walks in Rome: a Guide to its Holy Places. *The Messenger* $1.50

4-13311 Fairly comprehensive illustrated handbook for Roman catholic pilgrims. Concerned with religious history, legend and local associations rather than secular and archeologic interests.
Nation, 78:37

914.7 *a* **Gerrare, Wirt.** Greater Russia. Macmillan $3 n

3-7877 One of the most readable of recent books on Russia. Largely a narrative of personal experience. Neither profound nor comprehensive, but lively and well written. *Pittsburgh*
Views Russian aggressions with alarm. Beveridge's *Russian Advance* Harper $2.50 n., is a record of travel through Russia and Siberia and is strongly pro-Russian.
Gerrare, Ath. 1903, 1:425; Dial, 35:224; Nation, 76:500; Spec. 90:705; Beveridge, Acad. 66:120; Dial, 36:111; Lit. W. 35:37; Nation, 78:135

914.89 *c* **Brochner, Jessie.** Danish Life in Town and Country. (Our European Neighbors) (Newnes 3/6 n) Putnam $1.20 n

3-13073 Like others of series, sets forth various aspects, social, religious, educational, urban and rural. Excellent halftones really supplement text.
Dial, 36:51; Lit. W. 34:207; Nation, 76:496

914.94 **Rhodes, D. P.** A Pleasure-book of Grindelwald. Macmillan $1.50 n

4-708 Region between the Grosse Scheidegg and Mürren. All the pleasures of Alpine life and leisure in winter and summer are here recalled. Good map and many attractive halftones.
Dial, 36:156; Nation, 77:321

915.15 **Hedin, Sven.** Central Asia and Tibet. 2v. Scribner $10.50 n

3-33031 Record of journeys in 1899-1901, covering 6000 miles. 428 illustrations, 5 maps.
Clear, simple, graphic, not deficient in human interest. *Nation, 78:112*
Dial, 36:194; Ath. 1903, 2:746; Spec. 92:156

915.2 *a* **Clement, E. W.** Handbook of Modern Japan. McClurg $1.40 n

3-28989 Birdseye view of Japan's characteristics and resources with references to works where abundant information may be found. Illustrations and map.
Dial, 36:25; Nation, 77:528; Ath. 1904, 1:681; Sat. R. 97:365

915.2 **Gulick, S. L.** Evolution of the Japanese—Social and Psychic. Revell $2 n

3-15862 Study of Japanese race characteristics, social, mental and moral and of the possibilities of western influence.
Nation, 77:467; Critic, 43:466 (Griffis); Ath. 1903, 2:444

915.69 **Butler, Elizabeth,** *lady.* Letters from the Holy Land. (Black 7/6 n) Macmillan $3 n

3-15131 Series of impressions in colors and in words. There is no book which the tourist would be better advised to take with him were he starting for Palestine for the first time. *Ath. 1903, 2:214*
They breathe the spirit of the devout catholic, but the writer has no narrow exclusiveness in her sympathies. *Sat. R. 96:5 (Supplement Oct. 17)*
Acad. 64:339

917.12 **Stutfield, H. E. M. & Collie, J. N.** Climbs and Explorations in the Canadian Rockies. (12/6 n) Longmans $5

4-246 Personal experiences and historical résumé; an epitome of all that is at present known of this Switzerland of America. Abundant photographic illustrations and valuable original map.
Ath. 1903, 2:607; Dial, 36:156; Sat. R. 97:85

917.4 **Bacon, E. M.** Literary Pilgrimages in New England. Silver $2

3-32 Visits to homes of authors and to scenes associated with their writings. Compact with information and pertinent quotation. Map and many illustrations, well chosen as to subject but poorly executed. Katharine Abbott's *Old Paths and Legends of New England,* Putnam $3.50 n., deals in familiar style with historic and literary associations in Massachusetts, Rhode Island and New Hampshire and is rich in beautiful halftones from photographs.
Bacon, Nation, 76:209; Lit. W. 34:54; Abbott, Nation, 77:208; Lit. W. 34:263

917.8 *b* **Adams, Andy.** Log of a Cowboy. Houghton $1.50

3-12817 Narrative of a five months' trip with 3000 cattle, from Mexico to Montana, in 1882, with many interesting stories told by trailmen.
Critic, 43:474; Ath. 1903, 2:790; Acad. 65:563

917.94 **Austin, *Mrs* M. H.** Land of Little Rain. Houghton $2 n

3-26358 Chapters sketching arid region of southeastern California, its atmosphere, birds, beasts, flowers, the Indian, greaser and gold hunter. Admirable illustrations.
Dial, 35:421; Nation, 78:391

HISTORY OF FOREIGN COUNTRIES

See also Juvenile, p. 452

944.08 **Hanotaux, Gabriel.** Contemporary France. 4v. v.1 (1870-1873) Putnam $3.75 n

Belongs to class of histories whereof the work of Thucydides is a famous example—a contemporary's narrative of events set forth after a sufficient lapse of time to ensure some perspective.
Nation, 77:96; Ath. 1903, 1:490; Sat. R. 95:803 (Bodley)

954 **Poole, Stanley Lane-.** Mediaeval India under Mohammedan Rule, 712-1764. (Story of the Nations) Unwin 5/ Putnam $1.35 n

3-2200 Professor Lane-Poole is the master of an excellent English style and has strong human sympathies and an eye for the picturesque, combined with full knowledge of his subject. *Amer. Hist. R. 9:139*
Nation, 76:249; Sat. R. 96:114; Dial, 35:93; Ath. 1903, 2:177

980 *c* **Dawson, T: C.** South American Republics. 2 pt. pt 1, Argentina, Paraguay, Uruguay, Brazil. (Story of the Nations) Putnam $1.35 n

3-25616 Narrates separately the stormy histories of the four countries from earliest period to present.
Dial, 36:205; Lit. W. 35:10

AMERICAN HISTORY

See also Juvenile, p. 452 *and* New editions, p. 455

970.4 **James, G: W.** Indians of the Painted Desert Region: Hopis, Navahoes, Wallapais, Havasupais. Little $2 n

3-19707 Outcome of 20 years' study and personal observation during journeys in Colorado, Utah, Nevada, New Mexico and Arizona. Over 60 photographic illustrations.
Nation, 78:156

971.4 *b* **Parker, Gilbert & Bryan, C. G.** Old Quebec—the Fortress of New France. Macmillan $3.75 n

3-25903 Consecutive history, based on Parkman and others, making no claim to originality. Photogravures, woodcuts, halftones, maps.
Romance, pathos, stirring incident, noble characters, give vivid interest to every stage. *Dial, 35:424*
Spec. 91:704; Sat. R. 96:646; Nation, 77:484

972.98 *c* **Heilprin, Angelo.** Mont Pelée and the Tragedy of Martinique. Lippincott $3 n

2-30398 Study of the great catastrophes of 1902 with observations and experiences in the field. Photographic illustrations.

Accurate and permanent record, by a trained geologist who writes from the closest personal observation. *Sat. R. 96:237*

Critic, 42:375; Dial, 34:245; Nation, 76:152

973 **Adams, C: K. & Trent, W. P:** History of the United States. (Allyn & Bacon's Ser. of School Histories) Allyn $1.50

3-2705 Special aims to present fully and fairly (1) southern point of view in Civil War questions; (2) British side in Revolutionary period; (3) importance of the West in national development. Chronologic table, bibliographic references, 200 illustrations, 35 maps, good index.

Larned's admirable *History of the United States for Secondary Schools*, Houghton $1.40 n., is also fully equipped with bibliographic aids, maps etc.

Amer. Hist. R. 8:765 (F. H. Hodder)

973.782 **Avary, M. L.** *ed.* A Virginia Girl in the Civil War. Appleton $1.25 n

3-2700 Dramatic experiences of the young wife of a Confederate officer, in camp, hospital, blockade running, etc.

Critic, 43:182; Dial, 34:275; Nation, 76:227

973.782 *a* **Gordon, J: B.** Reminiscences of the Civil War. Scribner $3 n

3-26356 Its manly tone, optimistic temper and cordial appreciation of opponents commend it to readers of all sections.

Acad. 66:296; Dial, 35:302; Nation, 78:373; Spec. 92:667

974.46 **Howe, M. A. DeW.** Boston, the Place and the People. Macmillan $2.50 n

3-26974 Reviews salient historical facts but devotes major part to 19th century, three main topics being the unitarian controversy, the literary leaders and the antislavery propaganda. Many well chosen illustrations.

For the general reader, the best compact work on Boston which has yet been produced (1903). *Atlantic, 93:279*

Bookman, 19:201; Ath. 1904, 1:201; Nation, 77:471

974.7 *c* **Janvier, T: A.** Dutch Founding of New York. Harper $2.50 n

3-25273 An historical essay rather than a formal history of the beginnings of New York city. Illustrated.

Will be useful in correcting the false impressions created by Irving's skilful and humorous misrepresentation of the Dutch. *Dial, 36:203*

Critic, 43:567; Lit. W. 34:301; Nation, 77:467

BIOGRAPHY

See also Juvenile, p. 452

Arblay, Mme d'. **Dobson, Austin.** Fanny Burney (Madame d'Arblay). (English Men of Letters, Amer. Ser.) (2 n) Macmillan 75c n

3-28862 A fascinating little biography, handled with that practised elegance of style, cunning of pictorial narrative, allusive deftness, and finished sense of proportion, in which he has scarce a rival. *Acad. 65:582*

Bookman, 18:641 (Richard Garnett); Dial, 36:207; Nation, 78:18; Spec. 91:971

Beaconsfield, earl of. **Meynell, Wilfrid.** Benjamin Disraeli. Appleton $3 n

3-30490 Scrap book, rather than biography, furnishing no consecutive account or judicial estimate of his career. Will serve some future biographer as a source and meanwhile entertain the lover of personal anecdote.

Ath. 1903, 2:445; Dial, 35:461; Nation, 78:115; Spec. 91:654

c Beecher. **Abbott, Lyman.** Henry Ward Beecher. Houghton $1.75 n

3-28566 Portrays the great Brooklyn preacher from long personal acquaintance, as a man, as pastor, as reformer and as patriot.

Dial, 36:42; Nation, 77:530; Spec. 92:227

Bridgman. **Howe, Maud & Hall, F. H.** Laura Bridgman: Dr Howe's Famous Pupil and What he taught Her. Little $1.50 n

3-25614 Drawn from Dr Howe's written notes and the journal and letters of the blind, deaf and dumb girl.

Less intimate and personal than Helen Keller's *Life*, as the subject is less original and remarkable, it is nevertheless most interesting.

Lit. W. 34:341; Nation, 77:392; Spec. 92:420

b **Bryce, James.** Studies in Contemporary Biography. (10/n) Macmillan $3 n

3-10346 Beaconsfield, Dean Stanley, Anthony Trollope, J: R: Green, Parnell, Gladstone, E. L. Godkin, E. A. Freeman, Cardinal Manning, Lord Acton and 10 other character estimates.

Dial, 35:10; Nation, 76:400; Sat. R. 95:551; Spec. 90:822

Caesar. **Firth, J: B.** Augustus Caesar and the Organization of the Empire of Rome. (Heroes of the Nations) (5) Putnam $1.35 n

3-4996 Of solid worth. *Nation, 76:251*

The only biography of Augustus in English save that by Mr Shuckburgh, published almost simultaneously in England, Unwin 16/. The *Athenaeum* 1903, 2:307 says: Each is an excellent and independent study of the same evidence. In some places we prefer one, in some the other.

Sat. R. 96:112; Ath. 1903, 1:427

Deutsch, Leo. Sixteen Years in Siberia. Dutton $4 n

1-4000 Experiences of a Russian revolutionist. Simple, straightforward, free from sensationalism or striving for effect. Those who read it will understand why Tolstoi wrote *Resurrection*. *Acad. 65:494*

Nation, 78:35

Eggleston, Edward. **Eggleston, G: C.** The First of the Hoosiers. Drexel Biddle $1.20 n

3-25612 Reminiscences of author's brother, and of pioneer days in Indiana.

b Gladstone. **Morley, John.** Life of William Ewart Gladstone. 3v. Macmillan $10.50 n

3-25347 A masterpiece of historical writing, of which the interest is absorbing, the authority indisputable, and the skill consummate. *Sat. R.*

Sat. R. 96:493, 517; Dial, 35:410; Nation, 77:296,384; Ath. 1903, 2:473,507

Greeley. **Linn, W: A.** Horace Greeley. (Appleton's Historic Lives Ser.) Appleton $1 n

3-6577 Newspaper sketch of founder of *Tribune*, showing his attitude toward successive national events during his editorship.

In inverse ratio to Parton's *Life of Greeley*, one finds here the politician first, the reformer next, and the man last of all. *Dial, 34:342*

Nation, 76:299

c **Hoar, G: F.** Autobiography of Seventy Years. 2v. Scribner $7.50 n

3-29308 Of wide interest because of personality, engaging style, and value as a contribution to political history. He has been United States senator from Massachusetts since 1877.

Dial, 35:343; Critic, 44:49 (J. L. Gilder); Nation, 78:92; Outlook, 76:311 (Lyman Abbott)

a **Keller, Helen.** Story of my Life, by Helen Keller; with her Letters, and a Supplementary Account of her Education. Doubleday $1.50 n

3-7188 Letters and experiences of this well known girl, blind and deaf from infancy.

One of the rare books that delight general readers and compel attention from students of educational methods.

Dial, 34:271 (Joseph Jastrow); Outlook, v.74, pt 1, p.189; Acad. 66:325

Madison. **Hunt, Gaillard.** Life of James Madison. Doubleday $2.50 n

3-4211 First of a series telling the history of the United States through lives of its great men. Scholarly and important to student, but probably of less interest and practical value to average reader than Sidney Howard Gay's biography.

Amer. Hist. R. 9:170; Nation, 77:270

Poe. **Harrison, J. A.** Life and Letters of Edgar Allan Poe. 2v. Crowell $2.50 n

3-9357 Draws a new portrait in the light of newly discovered letters and facts. Letters to and from Poe fill second volume.

Critic, 42:499

Rainsford, W: S. A Preacher's Story of his Work. Macmillan $1.25 n

4-1666 Reported as literally as possible from Dr Rainsford's own words in describing his work in his New York parish, and his preceding training.

Scott, W: E. D. Story of a Bird Lover. Macmillan $1.50 n

3-6872 Biography, revealing both the natural aptitude and the process of training which have made him an authority on ornithology and a keen observer of nature in general.
Nation, 76:523; Dial, 34:364; Critic, 43:168

b Stevenson. **Stevenson, *Mrs* M. I.** From Saranac to the Marquesas. (Methuen 6/n) Scribner $2 n

4-9508 Letters written by mother of Robert Louis Stevenson during their sojourn in the Adirondacks and subsequent cruise in the South seas, 1887-88. Portraits.
Ath. 1903, 2:645; Critic, 44:72 (W: Archer)

Stuart. **Lang, Andrew.** Prince Charles Edward Stuart, the Young Chevalier. Longmans $1.50

3-12842 Cheaper edition of the life published by Goupil in 1900, based largely on the Stuart papers at Windsor castle. A careful and faithful portrait of the hapless prince.
Ath. 1900, 2:269; Nation, 72:33; Dial, 29:424; Lit. W. 34:171

Thackeray. **Whibley, Charles.** William Makepeace Thackeray. (Modern English Writers) (W. Blackwood 2/6) Dodd $1 n

3-30584 Fresh and keenly critical, but somewhat cold and lacking in sympathy. *Pittsburgh*
Ath. 1903, 2:539; Dial, 36:240; Sat. R. 96:615; Spec. 91:769

Trowbridge, J: T. My Own Story. Houghton $2.50 n

3-22579 Reminiscences of his long and active literary career and of acquaintance with many distinguished people, mainly New Englanders. Written in his 76th year.
Nation, 77:287; Dial, 35:254

Victoria. **Lee, Sidney.** Queen Victoria. Macmillan $3

3-5272 Expansion of article in *Dictionary of National Biography.*
He has been conspicuously successful in resisting the temptation to write as a courtier. A book likely to remain for a long time the standard authority. *Nation, 76:175*
Sat. R. 94:772; Ath. 1902, 2:818; Spec. 90:16

a **Waddington, *Mrs* M. A. (King).** Letters of a Diplomat's Wife, 1883–1900. Scribner $2.50 n

3-12886 The American born wife of the French ambassador at Moscow and London gives vivid impressions of historic personages and scenes in informal family letters.
Dial, 35:14; Nation, 76:480; Ath. 1903, 1:783; Bookman, 17:457

Whittier. **Carpenter, G. R.** John Greenleaf Whittier. (Amer. Men of Letters) Houghton $1.10 n

3-26621 Contributes some new material, and emphasizes political and reformatory aspects of his life more than literary and poetic.
Dial, 36:203; Lit. W. 35:43; Nation, 77:450

c **Wister, Sarah.** Sally Wister's Journal. Ferris $2

3-29 Kept by a Quaker girl near Philadelphia, 1777-78. Of some value as a historical document, but more interesting as a picture of genuine girlhood, interested in pretty clothes and mild flirtations.
Acad. 65:187; Ath. 1903, 1:680; Nation, 76:171

FICTION

See also Juvenile, p. 453 *and* New editions, p. 455

b **Allen, J. L.** Mettle of the Pasture. Macmillan $1.50

3-15441 Painful in its situations, a sermon against untruthfulness rather than an artistic story, yet marked by characteristic grave beauty of style.
Dial, 35:218; Bookman, 18:78; Ath. 1903, 2:309

Brady, C. T. The Bishop. Harper $1.50

3-9630 The very human and lovable bishop is the connecting link between 15 dramatic stories of frontier life.
Dial, 34:375; Lit. W. 34:150

b **Brown, Alice.** Judgment. Harper $1.25

3-23049 Character study dealing with a masterful man's relations to his family. Swift moving, with considerable incident.
Dial, 35:264; Bookman, 18:302; Nation, 78:54

Chambers, R. W. Maids of Paradise. Harper $1.50

2-24324 Brisk romance of love and adventure during the Franco-Prussian War. Paradise is a Breton village and the hero an American employed by the imperial military police.
Ath. 1903, 1:281; Dial, 35:261

Conrad, Joseph. Youth, and Two other Stories. McClure $1.50

3-5183 Three grim tales of sea and land entitled Youth; Heart of Darkness; The End of the Tether.
Nation, 76:478; Ath. 1902, 2:824

Couch, A. T: Quiller-. "Q" *pseud.* Hetty Wesley. Macmillan $1.50

3-24819 Partly true, partly fictitious, the unhappy story of the beautiful, wayward sister of John and Charles Wesley is handled with delicacy and sympathy.
Ath. 1903, 2:577; Bookman, 18:622; Nation, 78:55; Spec. 91:916

b **Crawford, F. M.** The Heart of Rome: a Tale of the "Lost Water." Macmillan $1.50

3-25549 Love story of modern Rome.
Bookman, 18:412; Dial, 36:18; Nation, 77:391; Spec. 91:656

Dahn, Felix. Felicitas. McClurg $1.50

3-15436 Short, swift moving tale of domestic love and danger when the wave of German conquest was sweeping away Roman power in fifth century.
Critic, 43:379; Lit. W. 34:153

c **Daskam, J. D.** Middle-aged Love Stories. Scribner $1.25

3-10796 In the Valley of the Shadow; A Philanthropist; A Reversion to Type; A Hope Deferred; Courting of Lady Jane; Julia the Apostate; Mrs Dud's Sister.
Dial, 34:376; Nation, 76:421; Critic, 43:187

Davis, W: S. Saint of the Dragon's Dale. (Little Novels by Favorite Authors) Macmillan 50c

3-19076 Germany in middle ages. Short tale of a hermit-saint who beards the robber barons of the Wartburg.
Ath. 1903, 2:680

a **Deland, *Mrs* M. W. (Campbell).** Dr Lavendar's People. Harper $1.50

3-25718 Six stories of Dr Lavendar's parishioners in quaint Old Chester.
Spec. 91: 978; Ath. 1903, 2:823; Critic, 44:186 (M. T. Earle)

c **Doyle, A. C.** Adventures of Gerard. McClure $1.50

3-22517 Vigorous well conceived anecdotes of the Napoleonic wars, related by the boastful, but brave and charming brigadier.
Bookman, 18:303; Sat. R. 96:5 (Supplement Nov. 21); Nation. 77:508

Fiske, H. S. Provincial Types in American Fiction. (Chautauqua Home Reading Ser.) Chautauqua Press $1

3-18310 Reviews the portrayal of local types, in New England, the South, the Mississippi valley and the West by several representative living writers, giving outlines of stories, and quotations.

a **Fox, John, jr.** The Little Shepherd of Kingdom Come. Scribner $1.50

3-21292 Story of sweet and tender humanities, as well as of Kentucky mountain feuds and clash of opinions rending families asunder in Bluegrass region during Civil War.
Bookman, 18:158; Dial, 35:262; Nation, 77:390

Freeman, *Mrs* M. E. (Wilkins). Six Trees. Harper $1.25

3-4415 Stories of homely New England village life, in each of which a tree exercises a subtle but potent influence on the characters.
Nation, 76:276; Sat. R. 96:20; Critic, 43:185

Garland, Hamlin. Hesper. Harper $1.50

3-24946 A unionist strike among the wildest scenery of far western mountains is background for the wooing of a heroine bred to eastern society life.
Dial, 36:19; Ath. 1903, 2:714

b **Gray, David.** Gallops 2. Century $1.25

3-26165 Short stories about horses and lovers of horses.

Hardy, A. S. His Daughter First. Houghton $1.50

3-11405 Story of social life and relations. Attracts through subtleties of character drawing and conversation rather than by rush of events.
Dial, 34:372; Spec. 90:943; Nation, 76:479; Ath. 1903, 1:809

Harriman, K. E. The Homebuilders. Jacobs $1.50

3-31025 Eight stories of Polish workmen in the tobacco warehouses, iron moulders shops, and other industries of (presumably) Chicago.
Lit. W. 35:77; Critic, 44:474

Henderson, C: H. John Percyfield. Houghton $1.50

3-5039 Leisurely love story interwoven with descriptive passages and reflections on social questions. Scene, mainly, a Swiss chateau.
Nation, 76:275; Lit. W. 34:122; Dial, 35:68

Hill, F. T. The Web. Doubleday $1.50

3-20278 A lawyer's fight against a great commercial conspiracy, complicated by relations with a case of cruel injustice wrought by varying divorce laws.
Bookman, 18:650

Hobson, Anne. In Old Alabama. Doubleday $1.50

3-21301 Plantation tales, related by an old colored woman who had been "conjered" in youth; also collection of plantation songs. Capital portrait photographs.
Critic, 43:578; Ath. 1904, 1:462

c **Howells, W: D.** Letters Home. Harper $1.50

3-22817 New York love story told through letters from several people whose viewpoints differ widely. A happy example of his best manner.
Nation, 77:507; Dial, 35:263; Acad. 65:499

Kirk, *Mrs* **E. O.** Good-bye, Proud World. Houghton $1.50

3-21297 Love story of a New York newspaper girl who inherits a modest New England estate. Well written, cheerful, wholesome.
Dial, 35:221

Leonard, M. F. The Pleasant Street Partnership. Wilde 85c n

3-23432 Quiet story, full of human kindness, of an old-fashioned city neighborhood startled by a modest business enterprise.

a **London, Jack.** Call of the Wild. Macmillan $1.50

3-8560 Central figure a superb sledge dog whose noblest traits and primeval instincts develop together through hardship and arctic desolation. Dramatic and intensely real, it is romance, not dog psychology.
Nation, 77:287; Bookman, 18:159; Ath. 1903, 2:279; Spec. 91:283

c **Long, J: L.** Sixty Jane. Century $1.25

3-25875 Stories, mostly pathetic, of the joys and sorrows of humble people. *Pittsburgh*
Nation, 77:508

Mitchell, S. W. A Comedy of Conscience. Century $1

3-7659 Dilemma of a lady who finds in her shopping bag a valuable diamond dropped by the thief who stole her purse. Excellent to read aloud.
Lit. W. 34:122; Critic, 43:188

c **Norris, Frank.** The Pit. (Epic of the Wheat Ser.) Doubleday $1.50

3-1580 Second novel of the unfinished trilogy entitled *The Epic of the Wheat*, of which *The Octopus* was the first.
Nation, 76:276; Dial, 34:242

Page, T: N. Gordon Keith. Scribner $1.50

3-13056 Social and business experiences of a young southerner interested in the industrial development of his native state. Scenes, western Virginia and New York.

a **People** of the Whirlpool: from the Experience Book of a Commuter's Wife. Macmillan $1.50

3-12000 A protest against the false ideals and demoralizing standards set by the idle rich, enforced by contrast with simple living.
Nation, 77:55; Outlook, N. 74, pt 2, p.547

Rice, *Mrs* **A. C. (Hegan).** Lovey Mary. Century $1

3-5787 The large-hearted girl heroine adopts a forlorn baby and herself becomes the protégé of *Mrs Wiggs of the Cabbage-patch.*
Bookman, 17:214; Acad. 64:438; Spec. 90:615

Richards, *Mrs* L. E. (Howe). The Golden Windows. Little $1.50

3-23480 Nearly 50 fables for young and old, each with a not too obtrusive moral.
Dial, 35:432

Scott, H. S. "Henry Seton Merriman" *pseud.* Barlasch of the Guard. McClure $1.50

3-20061 Historical romance. Scene laid in Dantzic and Russia at time of Napoleon's invasion and retreat. *Pittsburgh*
Sat. R. 96:305; Spec. 91:317; Lit. W. 34:305; Bookman, 18:622

Seawell, M. E. Fortunes of Fifi. Bobbs-Merrill $1.50

3-23048 Pleasing light comedy, in which Pope Pius 7, a little third rate actress, Napoleon and one of his old soldiers walk the boards.
Bookman, 18:166; Lit. W. 34:306

b **Sherwood, Margaret.** "Elizabeth Hastings" *pseud.* Daphne: an Autumn Pastoral. Houghton $1

3-28588 Dainty tale of a sweet American girl's adventure among the elder gods of Rome.
Bookman, 18:413

Smith, A. C. The Turquoise Cup; and, The Desert. Scribner $1.25

3-5535 Two stories, slight in texture but excellent in workmanship. *Athenaeum 1903, 2:344*
Scenes, Venice and Sahara.
Acad. 65:291; Spec. 91:175

Smith, *Mrs* A. P. The Legatee. Houghton $1.50

3-7658 Scene, a sparsely settled village in the Wisconsin forest. Story of antagonisms between mill owner and employees, of neighborhood relations, and a forest fire.
Dial, 35:66

a **Smith, F. H.** Colonel Carter's Christmas. Scribner $1.50

3-25210 Deserves to rank with the rest of the Carter chronicles; it will please the colonel's old friends and make him new ones. *Dial, 34:474*
Bookman, 18:358

c ——— The Under Dog: Stories. Scribner $1.50

3-13055 Mainly tales of men whom the world has used roughly.
Critic, 43:189; Atlantic, 92:282

Spearman, F. H. The Daughter of a Magnate. Scribner $1.50

3-25212 Breathless tale of daring feats of engineering on a Rocky mountain railroad, with accompanying love story.
Nation, 77:389; Dial, 36:121

Stuart, *Mrs* R. McE. George Washington Jones. Altemus $1

3-27518 Adventures of a homeless little colored boy who offered himself as a Christmas present.
Dial, 35:477

c **Tarkington, N. B.** Cherry. Harper $1.25

3-25882 18th century comedy, in which a conceited and obtuse young prig tells how he wooed the heroine.
Critic, 44:94; Bookman, 18:656

Waltz, *Mrs* Elizabeth (Cherry). Pa Gladden: the Story of a Common Man. Century $1.50

3-25874 Stories of country life in Middle West deriving unity from the personality of a childless, large hearted and sincerely religious elderly farmer.
Acad. 66:273; Nation, 77:389

b **Ward, *Mrs* M. A.** Lady Rose's Daughter. Harper $1.50

3-5780 A study of temperament, but in no sense a problem novel. In no other novel has she given so many evidences of dramatic power, imagination, humor and the gift of pathos. *H. W. Mabie*
North Amer. R. 176:48 (Mabie); Nation, 76:317; Sat. R. 95:296; Dial, 34:241

Weyman, S. J: The Long Night. McClure $1.50

3-23895 Scene, Geneva on eve of last attempt of house of Savoy to recapture city—the famous *escalade* of 1602. *Spec. 91:707*
Bookman, 18:428; Acad. 65:413

c **Wharton, *Mrs* Edith.** Sanctuary. Scribner $1.50

3-26865 Short, but subtle and delicately wrought psychologic study. *Pittsburgh*
Bookman, 18:410; Dial, 36:118

White, S. E: Conjuror's House. McClure $1.25

3-7169 Love story set against a dark background of Canadian wilderness, where a terrible fate threatens the trespassing hero.
Bookman, 17:257; Acad. 65:234; Spec. 91:1135

a **Williamson, C: N. & A. M.** The Lightning Conductor. Holt $1.50

4-4569 Automobile travel sketch threaded about a plot of love-making. Tour through French chateaux country to Bordeaux, skirting the Pyrenees, and through the Riviera and Italy to Sicily.
Nation, 76:255; Sat. R. 95:83; Lit. W. 34:53

Young, R. E. Sally of Missouri. McClure $1.50

3-25396 Story of the soil, and its hold on its sons and daughters.
Nation, 78:134

JUVENILE BOOKS

353 **Hoxie, C: DeF.** How the People Rule; Civics for Boys and Girls. Silver 40c

3-21315 Shows boys and girls through concrete illustrations from their own experience the importance of law and government, and explains United States local and national systems.

353 **Ship** of State (The), by Those at the Helm. (Youth's Companion Ser.) Ginn 75c

3-27927 12 papers by prominent officers of government, showing daily duties of president, senator, congressman, Supreme Court judge, and system by which army, navy, postoffice and other institutions are carried on. For older boys and girls.
Nation, 78:50

398.2 **Brown, A. F.** The Curious Book of Birds. Houghton $1.10 n

3-26874 Legends and fancies gathered from French, Russian, Greek and other peoples and attractively retold for children.
Critic, 43:581; Nation, 77:488

398.2 **Forbes, C. B.** Elizabeth's Charm-string. Little $1.20 n

3-25552 Legends associated with saints, places, pictures etc. told to a group of girls whose interest is excited by a set of charms collected in Europe. Illustrated.

398.2 *c* **Pyle, Howard.** Story of King Arthur and his Knights. Scribner $2.50 n

3-29613 From Malory and other sources, many incidents being altered in this version for children. Author's illustrations. Reprinted from St Nicholas.
Acad. 66:169; Dial, 35:476; Nation, 77:489

398.2 **Tappan, E. M.** Robin Hood, his Book. Little $1.50 n

3-26880 Often follows ballads almost word for word, but occasionally takes liberties with story. Employs simple language, omitting many details and mannerisms of Pyle's version. Colored and black and white pictures.
Dial, 35:476

398.2 **Winnington, Laura,** *comp.* The Outlook Fairy Book for Little People. Macmillan $1

3-31944 About 30 fairy tales, ballads and songs, gathered from the English, Scotch, Irish, German, French and Spanish. Illustrated.
Nation, 77:449

504 **Lane,** *Mrs* **M. A. L.** *ed.* Triumphs of Science. (Youth's Companion Ser.) Ginn 30c

3-2688 The Atlantic Telegraph, A Modern Observatory, Astronomical Photography, Coast Lights, Modern Great Guns, Submarine Boats, The Boston Subway, Harnessing Niagara, etc. Written in simple language, by specialists. Will interest intelligent boys.

590 **Monteith, John & Caroline.** Some Useful Animals and What They do for Us. (Eclectic School Readings) Amer. Bk Co. 50c

3-6164 The sheep, cow, horse, pig, dog, bear, ferret, cat, squirrel, ostrich, oyster, sponge, earthworm etc. For children of second or third grade. Well illustrated.

595.4 **Patterson, A. J.** The Spinner Family. McClurg $1 n

3-22831 Simple, accurate description of the characteristics and habits of many common spiders. Extremely well illustrated.
No child should be cheated out of acquaintance with Mrs Epeira, Mrs Grass Spider, Mrs Theridion and the other well dressed and industrious members of society here celebrated. *Dial, 35:469*
Lit. W. 35:14

598.2 **Miller, *Mrs* H. M.** "Oliver Thorne Miller" *pseud.* True Bird Stories from my Note-books. Houghton $1 n

3-10244 Short stories about habits of caged and field birds, observed by author. Will interest children, though rather bare of charms of style. Illustrations by Louis Agassiz Fuertes.
Dial, 34:363; Nation, 76:435; Critic, 43:168 (D. L. Sharp)

608 *a* **Baker, R. S.** Boys' Second Book of Inventions. McClure $2

3-30997 The miracle of radium, flying machines, the earthquake measurer, electrical furnaces, harnessing the sun, etc. For older readers than *Boys' Books of Inventions.* Illustrated.

621.9 **Barnard, Charles.** Tools and Machines. Silver 60c

3-16262 Explains principles and processes involved in use of hammer, knife, chisel, the borers, abraders and grinders, saw and sawmill, power hammers, etc. Illustrated.

640 **Colson, Elizabeth & Chittenden, A. G.** The Child Housekeeper. Barnes $1.50 n

3-12824 Simple lessons, with songs, stories and games, on fire building, setting table, washing dishes, bedmaking, sweeping, laundry work, mending, care of baby.

808.8 *c* **Wiggin, *Mrs* K. D. (Smith)** (Mrs Riggs) **& Smith, N. A.** *comp.* The Posy Ring. McClure $1.25 n

3-5775 Classified selections from standard poets, similar in plan to their *Golden Numbers*, but intended for younger children.
Nation, 76:479; Critic, 43:474

811.49 **Burgess, Gelett.** More Goops and How Not to be Them. Stokes $1.50

3-20886 The Goops are singularly gifted in the art of conveying wholesome reproof and warning in the form of genuine entertainment.
Critic, 43:573

811.49 *b* **Sage, Betty.** Rhymes of Real Children. Fox, Duffield $1.50 n

3-28929 Quite out of the common both in external beauty and in the rare breeding and distinction and delightful humor of the verses.
Nation, 77:448
Dial, 35:478

821.08 **Ingpen, Roger,** *ed.* One Thousand Poems for Children: a Choice of the best Verse, Old and New. Jacobs $1.25 n

3-31968 Classified as Rhymes for Little Ones, Cradle Songs, Fairy Land, Fields and Woods, Home, Humorous, Ballads, Girlhood, Hymns, etc.
Ath. 1903, 2:716; Spec. 1903, 2:950

914.21 *c* **Mitton, G. E.** Children's Book of London. (Black 6/) Macmillan $2.25

4-2652 London children, streets, shops, palaces, the Tower, Zoo, British Museum, Westminster, the Lord mayor's show, etc. with seven historical tales. Illustrations in color.
Spec. 91:946

915.1 c **Headland, I: T.** Our Little Chinese Cousin. (Little Cousin Ser.) Page 50c n

3-18182 Gives in story form an account of the childhood of a little Chinese girl. Photographs and Chinese drawings.

917.295 **Seabury, J. B.** Porto Rico. (World and its People) Silver 50c

3-22578 Life of people, physical features, products, flora, fauna, towns, schools, government, brief sketch of history. Illustrated.

919.8 c **Peary, *Mrs* J. D. & M. A.** Children of the Arctic, by the "Snow Baby" and her Mother. Stokes $1.20 n

3-31933 Interesting things with many pictures of them, that little Marie Peary saw and did during two winters among the Eskimos.
Nation, 77:449; Dial, 35:479

938 **Zimmern, Alice.** Greek History for Young Readers. Longmans $1 n

4-109 Conveys essential facts from prehistoric times to death of Alexander, in simple language. Useful illustrations and maps.
Nation, 77:361

949.2 **Griffis, W: E.** Young People's History of Holland. Houghton $1.50 n

3-8474 From prehistoric times to marriage of Queen Wilhelmina, treating picturesque early period most fully. Quite independent of his *Brave Little Holland,* and better adapted to children.
Nation, 76:456

973 **Blaisdell, A. F. & Ball, F. K.** Hero Stories from American History. Ginn 50c

3-10206 Among those whose deeds are related are George Rogers Clark, Colonel Moultrie, Nathan Hale, Washington, Anthony Wayne, Daniel Morgan, Andrew Jackson. Intended for elementary schools.

JUVENILE BIOGRAPHY

Horne, O. B. & Scobey, K. L: Stories of Great Artists. (Eclectic School Readings) Amer. Bk Co. 40c

3-11816 Attempts to interest children in art through simple tales, founded on facts, about Raphael, Michelangelo, Rembrandt, Corot, Landseer and others. Illustrated. *Picture Stories from the Great Artists,*
3-14257 by M. R. Cady and J. M. Dewey, (Art Reader No. 1) Richardson 50c, (759) is more elementary, intended for children who have just learned to read. Texts and illustrations relate to the work of Rosa Bonheur, Van Dyck, Landseer and Murillo. *Art Studies for Schools,* by
3-7172 A. M. Von Rydingsvard, Flanagan $1, (759) discards the element of fiction, giving some facts about each of 68 artists ranging from Cimabue to John Sargent, with simple criticism or explanation of an example of his work. Its halftone reproductions, though not evenly good, are somewhat better than in either of the others.

Scott. **Barnes, James.** The Giant of Three Wars: a Life of General Winfield Scott. (Heroes of our Army) Appleton $1 n

3-22117 Simple and straightforward, but not childish in style.
Dial, 35:430

b Victoria. **Tappan, E. M.** In the Days of Queen Victoria. (Makers of England) Lee 80c n

3-14845 The story of the queen's life here told for girls can hardly fail both to entertain and inspire to noble living.
Dial, 35:430

JUVENILE FICTION

c **Barbour, R. H:** Weatherby's Inning. Appleton $1.25 n

3-22513 Story of baseball and a young man's struggle against untoward circumstances in a small New England college.

Dickens, Charles. Story of Little David; from "David Copperfield;" ed. by F. L. Knowles. (Famous Children of Literature) Estes 75c n

3-20058 David Copperfield's life from birth to taking refuge with his aunt, Betsy Trotwood. Nothing altered, but much omitted from original.

Eliot, George, *pseud.* Story of Little Tom and Maggie; from "The Mill on the Floss;" ed. by F. L. Knowles. (Famous Children of Literature) Estes 75c n

3-20449 Extracts from *Mill on the Floss,* comprising life of the Tulliver children to Tom's payment of his father's debts. Much omitted, but nothing added or written down.

Harris, J. C. Wally Wanderoon and his Story-telling Machine. McClure $1.60 n

3-22518 John the Simpleton, The Crystal Bell, The Red Flannel Night-cap, Miss Liza an' de King, The Mouse Princess, etc.
Critic, 43:573

b **Hill, Elizabeth.** My Wonderful Visit. Scribner $1.20 n

3-25201 Record of a little city girl's enchanting, never-to-be-forgotten week on a farm. *Nation, 77:449*
Realistic in picture of country life of the older type, and no less true in portraying an imaginative child nature.

Hopkins, W: J. The Sandman: more Farm Stories. Page $1.20 n

3-22515 Simple stories of everyday life on a farm, like the Sandman stories published last year, which have proved extremely popular with children too young to read for themselves.

Leonard, M. F. How the Two Ends Met. (20th Century Juveniles) Crowell 60c n

3-19078 A happy little school girl by her winsome ways brings the rich and poor families of a city block into friendly relations.

c **Packard, Winthrop.** The Young Ice Whalers. Houghton $1.20 n

3-22109 Henty's heroes scarcely rival these Massachusetts boys in perils or achievements, but the movement is more lifelike, the style better, and the information about arctic life and conditions really valuable and interesting. Excellent illustrations.
Dial, 35:431; Spec. 91:739; Acad. 65:646

915.1 c Hea ...oy E. L. Smythe. ... Amer. ...

3-18182 Giv... ...mple language and ... Chine ... suggested by a child. Excellent ...

917.295 S...

...E. (Howe) More Five Minute Stories. Estes $1.2...

3-22578 ...

...se and verse about driving out in a ... 919.8 ...nied, playing go to sea, gathering ... Illustrated.

3-31933

...wyn. Trapper "Jim." Macmillan $1.5...

...ey story about boys in southern Canada, ... 938 ... trapping, fishing, shooting, camping, ...dred matters. Illustrated.

4-101 ... Dial, 35:429; Sat. R. 96:146

...nest Thompson. Two Little Savages. Doubleday $1.75 ...

949 ...ided by an old trapper, camp out and live as much ... as possible. So admirable in woodcraft that parents 3-8... ...verlook some weak and even objectionable features ... will hardly notice.

... 575; Acad. 65:527

...Evaleen. Troubadour Tales. Bobbs-Merrill $1.25

9 ... of the middle ages, about minstrels, knights, pages and ... maiden. Charmingly illustrated in black, white and

... 449; Dial, 35:476

...er. C: W. For King or Empress? Nelson $1.25

... English man's adventures in time of Stephen and Matilda ... Jewish outbreak at Norwich.

... man average merit. *Spec. 91:947*

...ce. S. E: The Magic Forest: a Modern Fairy Story. Macmillan $1.50

... sleep-walker steps off a western train in the night and ... by fur-trading Ojibways who befriend him for five

... 488; Ath. 1903, 2:826

...n. *Mrs* K. D. (Smith) (Mrs Riggs). Rebecca of Sunnybrook Farm. Houghton $1.25

... story of an original and attractive young girl in a ... village.

... 18:652; Nation, 78:55; Dial, 35:264; Spec. 91:873

NEW AND ENLARGED EDITIONS

Allen, Grant. Belgium: its Cities. 2v. (Travel Lover's Lib.) Page $3

:4244 Text published in his Historical Guide Ser. 1897, Wessels $1.25 n., (Richards 3/6). In page edition, all signs of the guidebook are removed, type and paper are pleasing and many plates are provided. **914.93**

Atkinson, G: F. Studies of American Fungi, Mushrooms, Edible and Poisonous. Ed. 2. Holt $3 n

:4428 Added chapters on uses and cultivation of mushrooms, and 10 new plates. **589.22**
Dial, 36:238

Baby days; a new Selection of Songs, Stories and Pictures for very Little Folks. Century $1.50

:6379 Includes about 40 pages from the old *Baby Days*, with 150 pages from later numbers of *St Nicholas*. **818.4**

Chisholm, G: G. Handbook of Commercial Geography; ed. 4 rev. throughout and greatly extended. Longmans 15/n, $4.80

:8949 125 pages added and much rewritten. **338**
Nation, 78:31

Grout, A. J. Mosses with Hand-lens and Microscope. pt 1. Grout $1

16268 Embodies material in his *Mosses with a Hand-lens* (1900) but can hardly be called a new edition of that work, being part 1 of a much fuller treatment. Includes nearly all common mosses of the *Gray's Manual* region, with some rarer forms. Many admirably clear illustrations. **588.2**

Riis, J. A. Children of the Tenements. Macmillan $1.50

:8289 Contains stories formerly collected under title *Out of Mulberry Street*. Author says: Occasionally I have strung facts together to suit my own fancy; but none of the stories are invented. Nine out of ten are just as they came to me from life. **813.49**
Acad. 66:70

Sharp, D. L. A Watcher in the Woods; illus. by Bruce Horsefall. Century 84c

:944 Eight papers reprinted from plates of his *Wild Life near Home* for school supplementary reading. **590**

Trevelyan, *Sir* **G: O.** The American Revolution. 3v. v. 1, ed. 2, $2.50 n and v. 2 in 2 pts. $5 n Longmans

A monument of industry, impartiality and generosity in a most vivacious and attractive form. *Nation*, 77:506

His partiality is pronounced and it is all in favor of the Americans. *Critic*, *44:255*. **973.3**
Ath. 1904, 1:74; Sat. R. 96:673

COMPARATIVE TABLE OF BOOKS PUBLISHED IN 1903

These statistics are based on lists prepared according to varying classifications and methods. The figures should therefore be regarded as only approximate. See paper on Relative Book Production by Dr E. C. Richardson in *Publisher's Weekly*, 57:805, and abstract in *Public Libraries*, 5:192.

1903	United States	Great Britain	Denmark	France	Italy
Religion and philosophy	616	702	163	1 039	458
Sociology	246	609	100	789	579
Law	605	87	40	519	395
Education	627	*a* 748	*b* 102	1 218	*a* 1 172
Science, useful arts, fine arts	935	445	268	1 149	939
Medicine and hygiene	354	282	55	1 226	638
Literature	743	315	*c* 548	740	247
Poetry and drama	446	391	.....	748	407
Fiction and juvenile	1 953	2 660	.....	591	295
History, biography, travel	1 209	779	267	1 553	718
Miscellaneous	131	1 363	1	102	349
Total	7 865	8 381	1 544	9 674	6 197

[illegible]. *b* Includes juveniles. *c* Includes poetry, drama and fiction.

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New York State Library

MELVIL DEWEY Director

Bulletin 88

LIBRARY SCHOOL 17

17th ANNUAL REPORT OF NEW YORK STATE LIBRARY SCHOOL

1903

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University of the State of New York

New York State Library

MELVIL DEWEY Director

Bulletin 88

LIBRARY SCHOOL 17

17th ANNUAL REPORT OF LIBRARY SCHOOL 1903

To the Regents of the University of the State of New York

For the year ending Sep. 30, 1903, the director has the honor to report on the New York State Library School as follows:

Classes. The fall term opened Wednesday, Oct. 1, 1902, with 19 seniors and 30 juniors, representing 13 states and one foreign country. New York led with 18 students, Massachusetts stood next with 7, Pennsylvania sent 5, California 4, Ohio 3, District of Columbia, Indiana and Rhode Island 2 each, while there was 1 each from Connecticut, Michigan, Minnesota, New Jersey, Vermont and Nova Scotia.

One former student whose senior year was broken by illness in 1896 returned in March to finish her course.

The 31 colleges represented were: for men only, Amherst, Columbia College Law School and Harvard University; for women only, Barnard, Lake Erie, Mt Holyoke, Radcliffe, Smith, Vassar, Wellesley and Wilson colleges, College for Women of Western Reserve University, Packer Collegiate Institute and Pennsylvania College for Women; for coeducation, Adelphi, Dalhousie, Earlham and Franklin colleges and Brown, California, Cincinnati, Colorado, Cornell, Indiana, Minnesota, Rochester, Stanford, Syracuse, Vermont and Wesleyan universities and Yale University Graduate School.

While our school is maintained primarily for New York State and extra tuition is charged to students from outside the State,

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iplomas, including 11 with hono

honor.

redentials issued Aug. 1, 1890

graduates through April 190

02, p. 50–53.

plomas. Degrees and diplomas were

Degree of B. L. S. Florence Tolman Blunt, Grace Darling Chapman, Robert Morrill McCurdy, Ella Rosina Seligsberg, Pauline Gertrude Wiggin, Alice Newman Hays, Etheldred Abbot.

Diplomas. Annie Elizabeth Draper, Marion Ada Knight.

The class of 1903 deserves special commendation because, in comparison with other recent classes, a larger proportion of its members finished their work at the close of the school year.

Illustrated bulletins. Experience seems to justify the plan of requiring students to submit an illustrated bulletin as one test of ability to select books, not only as worthy books *per se,* but as suited to meet certain recognized interests in the community, which can be satisfied through books. Such work also tests the student's skill in the delicate task of attracting the reader to good books without offending his taste or violating his personal right of choice. The term "picture bulletin" has been found objectionable when applied to lists for adults, intended to be posted in the loan department. We have adopted for class discussion the term "illustrated bulletin." It corresponds to the common phrase, "illustrated magazine." "Picture bulletins" can then designate lists intended for the children's room, just as we speak of "picture books" for children.

The circulation of bulletins made by students certainly proves that they serve a useful purpose in public libraries, for adults as well as for children. We confine our work almost entirely to bulletins for adults, leaving the preparation of picture bulletins to the schools which instruct in work for children.

Bulletins were first made by our students in 1898. They have circulated throughout the country since 1900. The record of circulation has been kept for those made by the junior class of 1900–1. 24 bulletins circulated 98 times, an average of about four journeys for each. In all cases express charges were paid by the libraries.

They were sent to 49 libraries, among which were the following: the public libraries of Cleveland, Dayton O., Eau Claire Wis., Sedalia Mo., Utica N. Y., Providence, Brookline Mass., Medford Mass., a branch of the Boston Public Library, the Forbes Library, Northampton Mass., the Carnegie Library of Atlanta,

...Library and the James Prendergast Library
...Several bulletins were sent to the Illinois
...for exchange of ideas between the two schools
...commissions of Iowa and Texas. The bulletin
... Minnie L. Converse, was, on request, given to
...mission.

...ng bulletins have had the largest circulation:
...d and New, Pauline G. Wiggin, nine times.
... Young People who want to Go to College (two bul-
... S. Wade and Louise Claflin, nine times.
... Stories for Children, Susan C. Crampton, seven times.
... Indians of Today, Celia M. Houghton, six times.
... for New, Josephine Taber, six times.
... for Boys, Frances K. Ray, six times.
...the following subjects, presented in 1902, show the
... work.

...evement, by Annie E. Draper
... is the common feeling of admiration for men who
...shed something. Andrew Carnegie, Phillips Brooks,
...Eugene Field, Benjamin Franklin, William Morris, and
... chosen as typical of achievement in widely different
...graphy of each man is noted, and there is a portrait of
... mentioned above. The idea of the bulletin is exactly ex-
...picture showing the varied industries on the water front
...y.

...gner, by Edwin M. Jenks
...ed with a portait, bar of Wagner music, and colored
... Wagner theater.

...e, by Florence T. Blunt
...st grouped under out-of-doors books, stories, poetry,
... Dyke yearbook, biographic sketches. There are an
...e, a portrait of Dr van Dyke, also the well known
... *urage* and *Foot-path to Peace*.

... Malcolm G. Wyer
...st decorated in a very novel, ingenious and tasteful

... by Grace D. Chapman
... portrait of Jane Addams from the *World's Work*.
... photographs of children who are enjoying library.
...use hour. The books and articles are readable.

6 Athletics of Yesterday, by June R. Donnelly

Athletic sports and games of Greeks and Romans, also modern revival of Olympian games, are described in magazine articles or parts of books given in the list, and illustrated by a copy of the Discobolus and of a chariot race. The white of the pictures and lettering harmonize and form a pleasing contrast to the dead black background.

7 Books for Young Men intending to Travel in Europe, by Everett R. Perry

Mr Perry spent the summer of 1902 in Europe and has selected the list of 49 travel and art books with genuine appreciation of readers' interests. Illustrated by pictures of Lincoln cathedral and the Jungfrau.

8 A Trip through Italy, by Bertha I. Bennett

Starting from Naples the principal places visited are Pompeii, Herculaneum, Capri, Rome, Siena, Pisa, Florence, Milan, the Italian lakes and Venice. Thirty-two books and articles are listed. Illustrated by a map and by excellent pictures of a Pompeiian house, St Peter's, Leaning tower, Panorama of Florence, Milan cathedral and Grand canal, Venice.

9 Japan, by Ella R. Seligsberg

A delicately colored photograph of the Island empire with titles of 14 books, each of which the compiler has read.

10 Recent Arctic Explorations, by William M. Hepburn

29 well chosen titles and pictures of Nansen and Peary are grouped about a map of the Arctic regions.

Annual visit to leading libraries. The 12th annual visit of the school took place Ap. 7–20, covering the leading libraries of New York, Philadelphia, Baltimore and Washington. An idea of the trip from the students' standpoint may be gained from the following report from the *Library Journal,* May 1903, by Julia M. Whittlesey (1903).

From New York as headquarters, Ap. 7–13, we visited not only Columbia University, the New York Public (including the Lenox and Astor), the New York Mercantile and several other libraries of Manhattan, but also the Brooklyn and Newark libraries. By courtesy of Dr Billings the pilgrimage most appropriately began at the site of the new public library, where in temporary work rooms of the architect plans and plaster models of the building were shown.

In Philadelphia rain and wind prevailed so continuously that our whole schedule could not be carried out. To our special disappointment we were unable to go to Bryn Mawr, a visit we had much anticipated. Those, however, who did venture out to Drexel, the Free Library, and the Library Company felt amply repaid and

found Philadelphia hospitality more than an offset to Philadelphia weather.

In Baltimore and Washington the rain stopped, our dampened spirits revived accordingly and we carried out our plans to the letter. In Washington the Library of Congress was naturally our first and—is it invidious to say?—our greatest pleasure. The Washington Public and the many interesting departmental libraries, however, were not neglected.

The cordiality with which the class was received was a genuine pleasure and almost a surprise. A surprise, not because we thought librarians lacking in hospitality by nature, but because it is a good deal to have one's work invaded by a crowd of people, 50 strong, who take one's time and ask a multitude of questions more or less intelligently. That we had the freedom of the libraries, that time of librarians and assistants was so freely given, that detailed information was cheerfully told, is a record which speaks well for library human nature.

Not content with helping professionally, our hosts outdid themselves socially. Space is lacking to tell in detail of all the social happenings which were so kindly arranged for, but I can not pass without at least mentioning the two pleasant receptions given by our sister library schools, Pratt and Drexel, and the library club meetings at Philadelphia and Washington, or the charming reception at the Tea Cup Inn given the class by the former students of the school now living in Washington. The city has such a colony of graduates that we saw many old acquaintances besides meeting those whose names and reputations had come down from past classes.

The question was more than once asked me "Does the trip pay?" and when I would answer "Does not all travel pay?" the next question would be "Does it pay from the library standpoint?" In other words, did the members of the class gain more professionally than in an ordinary independent trip to the same cities? I think we did, for more than one reason. In the first place, it is a question whether going in any other way we could have seen the actual working of departments, taken in the different technical features, and obtained the same information. It is hard, perhaps, for those long in the work to realize what it means, specially to those who had no practical experience before coming to the school, to see the actual handling of loan systems, or varying methods of reference work or real work in a children's room.

To observe intelligently, to compare and coordinate those observations, and to draw conclusions which shall be of value are things which one may gain from the trip if one will. To any who were skeptical of these results, who thought us aimless or frag-

mentary in our investigations, the carefully prepared reports of the visit given at the school by the different committees would be a great revelation. They are the true evaluation of the trip.

Bibliographies. The following subjects were selected by the class of 1903 for the original bibliography required for graduation. Suggestions of topics are requested from librarians as our students prefer to do the work that will be most practically useful in libraries.

Victor Hugo: select. Bertha Ilione Bennett

Illustrative Material for Nature Study in Primary Schools. Florence Tolman Blunt

Spain; Description and Travel: reading list. Mary Casamajor

Walter Pater. Grace Darling Chapman

France; Description and Travel: reading list. Margaret Childs Deming

Imperial Federation; Great Britain and her Colonies. June Richardson Donnelly

Travel in England: reading list. Annie Elizabeth Draper

Pottery. Charlotte Elizabeth Groves

Books by Canadian Authors published in English since 1867. William Murray Hepburn

Works in English on Wagner and the Wagnerian Music-drama. Edwin Munroe Jenks

Louisiana Purchase of 1803. Louise Waldman Katz

Holidays: select. Robert Morrill McCurdy

John Keats: contribution toward a complete bibliography. Mary Eliza Mathews

Florence: reading list. Everett Robbins Perry

Germany: select. Ella Rosina Seligsberg

Lists of Classified Fiction: 1, Stories of Nature; 2, Stories of Social Problems. Julia Margaret Whittlesey

Subject Index of New York State Governors Messages, 1850–1903. Malcolm Glenn Wyer

American Library Association. It was decided by unanimous vote of faculty and students to close the school year Friday, June 19, instead of Friday, June 26, as announced, thus allowing students to attend the meetings at Niagara, June 22–27. 19 students (11 seniors and 8 juniors) availed themselves of this privilege.

A. L. A. committee on library training. The committee was: Mary W. Plummer, director library school, Pratt Institute; Mrs Salome Cutler Fairchild, vice director New York State Library School; Katharine L. Sharp, director library school, University of Illinois; Alice B. Kroeger, director library school, Drexel Institute; Mary E. Robbins, acting director library department, Simmons College; Edwin H. Anderson, librarian Carnegie Library, Pittsburg Pa.

By questions sent not only to established library schools but also to libraries conducting apprentice classes, to colleges and normal schools offering courses in bibliography and library economy, and to individuals reported as offering correspondence instruction the committee made a thorough investigation regarding library training given throughout the country. Its very careful and complete report is in *Library Journal,* July 1903, 28:C83–101.

New York State Library School Association. There was a large attendance at the 10th annual meeting, at Niagara Falls, June 24, 1903. The chief business was giving the advisory committee power to act after any general expression of opinion by former members of the school. The association now numbers 193. The meeting is reported in *Library Journal,* Aug. 1903, 28:624.

Officers 1903-4

President, Phineas Lawrence Windsor, '99, Ph.B. librarian University of Texas

First vice president, Josephine Adelaide Clark, '90, B.A. librarian United States Department of Agriculture

Second vice president, Edward Christopher Williams, '01, B.L. librarian Adelbert College

Secretary-treasurer, Isabel Ely Lord, '97, B.L.S. assistant librarian Pratt Institute

Executive board

The officers and Harriet Ann Wood, '99, B.A. Cedar Rapids (Ia.) public librarian; Irene Gibson, '94, assistant order division Library of Congress; William Frederick Yust, '01, M.A. B.L.S. subinspector New York State Library and Home Education

Advisory committee on Library School

1902–5 Edwin Hatfield Anderson, '92, M.A. librarian Carnegie Library, Pittsburg Pa. *chairman*

1902–4 Joseph Le Roy Harrison, '93, B.L.S. librarian Providence (R. I.) Athenaeum

1903–6 Henrietta St Barbe Brooks, '96, B.S. assistant librarian Wellesley College

Alumni lectureship. Charles A. Cutter delivered three lectures April 1-3, as notes from the art section of a library, with hints on selection and purchase. Not only faculty and students but many of the State Library staff attended, also Jessica G. Cone, a graduate of the school, class of '95. Mr Cutter's intimate and loving knowledge of his subject and his long experience in buying both books and pictures for the Boston Athenaeum and the Forbes Library fitted him in an unusual way to speak convincingly and practically. The emphasis of the course was placed on the necessity of a sympathetic knowledge of art by the librarian or head of the art department. Suggestions were also given as to means of acquiring such knowledge. The lectures will be printed by the alumni association. Mr Cutter spent the week Mar. 31–Ap. 7 at the school, giving daily lectures and instruction in his expansive classification.

Mr Andrew's valuable alumni lectures for 1902 on guides to the literature of science, will soon be printed.

Charles A. Cutter. Mr Cutter's death, Sep. 6, 1903, is a serious loss to the school. He was from its opening on its staff of non-resident lecturers and visited us oftener than any other librarian, lecturing 13 out of the 17 years of the school's history as follows:

At Columbia College Library

1887 (1 lecture) Cataloguing and classification

1888 (3 lectures) Dictionary catalogues; classification; Cutter vs Dewey notation

1889 (4 lectures) Library buildings and other library topics

At New York State Library

1890 (6 lectures) Classification, cataloguing, book numbers and charging systems

1891 (4 lectures) Classification and charging systems.
1893 (2 lectures) Cataloguing; the library world
1895 (4 lectures)

Forbes Library

1896-99, 1901, 1903, 8 to 10 lectures each year on the expansive classification, with class instruction

Mr Cutter's last public utterance was his lectures before the school in April 1903. His keenness and alertness of mind, the delight with which to the last he hailed a new idea, gave no indication that he had already spent 45 years in library service.

Summer course for 1903. The session began Wednesday, May 20, ending Tuesday, June 30. There were 20 students from 8 states. New York led with 11, Connecticut and Massachusetts sent 2 each and Illinois, Minnesota, New Jersey, Tennessee and Virginia 1 each.

18 students received the Regents certificate awarded to those who complete the work of the course satisfactorily and also pass the examination. 10 of the 18 certificates were issued with honor.

The seventh session of the summer course saw a new departure as to number of subjects taught. During the first session held July–August 1896, instruction was given in simple cataloguing, classification, accessioning, shelflisting, loan systems, and some elementary work in bibliography and library administration. Essentially the same course was given (except in 1897, when no session was held) each succeeding year till 1903. In 1898 the date of opening was changed to May 30, that the students in the summer course might meet the students in the two year course, and have the advantage of being taught by its faculty. In 1899 the five week course was extended to six weeks. This year, in view of the facts that Chautauqua now gives a good general course and that it is difficult to treat any one subject thoroughly when so much ground must be covered, it was decided to try the experiment of specializing on cataloguing and classification.

The executive work of the school was in charge of Miss Mary L. Sutliff, assisted by Miss Corinne Bacon, '03, who has had seven years experience in public library work in New Britain Ct.

13 lectures were given by Miss Bunnell on the decimal classification and one by Miss Sutliff on leading features of the expansive classification. Miss Sutliff gave 24 lectures on cataloguing forms and subject headings, with 11 added lectures on the following allied subjects: new A. L. A. rules, printed cards, public documents, reference books for cataloguers, treatment of pamphlets, book numbers, shelflist, library handwriting and note taking.

Mrs Fairchild lectured on forms of the card catalogue, and Miss Ada Alice Jones dealt in two lectures with the principles underlying the classed catalogue, while Mr Yust gave a valuable discussion on typewritten catalogue cards. The practice work in cataloguing included more difficult books than in former years, special attention being given to United States, state and city public documents. Such sets as the reports of the New York State historian, the New York bulletin of bibliography, and the 19 volume report of the United States Industrial Commission (1900–2) were taken up in detail. The attempt was made to include as many recent books as possible which the average library would buy, and for which it would be difficult to assign subject headings; e. g. Jordan's *Imperial Democracy,* Colquhoun's *Mastery of the Pacific.* Both Miss Sutliff and Miss Bacon spent some time in Washington last spring studying the catalogue of the Library of Congress, and were thereby able to pay special attention in their courses to the headings there used. Variations in usage from the A. L. A. headings were pointed out, and in many cases the national library headings were used in preference.

Five general lectures were given, two by the director on the point of view and typewriters as a labor-saving device; two by Mrs Fairchild on the function of the library and the presidents of the A. L. A. (illustrated); one by W. R. Eastman on library records and statistics. The students also attended the library institute conducted by Miss M. E. Hazeltine, on May 20, part of the director's course on library administration, and lectures given to the students of the two year course by Miss M. E. Hazeltine, Miss M. E. Robbins, Dr J. H. Canfield and W: E. Foster.

The eagerness of the students to learn as much as possible in the short time alloted and their enthusiastic devotion to their work were an inspiration to all the faculty who came in contact with them. Such was the anxiety to improve every opportunity that optional lectures were almost as fully attended as the required. The students strongly favored the special course. Several said they would not have thought of attending had the course been general. The faculty, therefore, feel that the substitution of the special for the general course, looked on as an experiment, has succeeded beyond their expectations.

Summer course for 1904 on reference work and bibliography. Following the rotation plan announced on p.268–74 of the handbook, the summer course for 1904 will be concentrated on reference work and bibliography and in 1905 on a course in library administration, taking up the topics of the previous years very briefly and devoting the 90 exercises of the six weeks to the most important topics in practical administration. In 1906 there will be a course in selection of books. In 1907 cataloguing and classification will again be the special topic.

The 1904 course, May 19 to June 30, will be given by the regular faculty with assistance from a few librarians chosen because of special qualifications for this year's work. From the courses on these subjects given during the two years of the regular school will be chosen the most valuable parts. Probably one lecture a day will be given to reference work including children's libraries, one to bibliography and the third will be open to book selection which in its nature combines something of both the others, and to a variety of allied topics with a few general lectures which will give the summer students the point of view which the Library School represents. During five of the six weeks the junior and senior classes are still at work, so that there will be numerous opportunities for those of the summer students who wish to hear lectures in addition to the summer course, and an effort has been made to put in that time topics and speakers most likely to interest or profit the summer class. Reference work will be in charge of D. V. R. Johnston, reference librarian. Miss M. E. Hazeltine will give the reference course carried on so successfully by her

in the Chautauqua summer school for three years past. Special attention will be given to reference work for children and in public documents, with special courses by the best authorities available. W. S. Biscoe will have charge of bibliography and Mrs S. C. Fairchild will give a few lectures on book selection. W. R. Eastman, state library inspector, will arrange his work so as to spend the six weeks with the school and thus make available his unequaled experience, having devoted his whole time for 12 years to studying the needs of public libraries as shown by constant official inspection all over the State. The director will give a course on general library topics and there will be single lectures and short courses from a number of prominent librarians carefully chosen for this special work.

Faculty. Owing to pressure of other work, Miss Edith D. Fuller, of the faculty since 1894, resigned as instructor in dictionary cataloguing. Miss Sutliff, who has been specializing in this subject, will take her courses.

For full list of the faculty, with library positions etc. held by each member, see *Handbook*, 1903, p.236–38.

Lecturers 1903. Aside from the faculty, 11 persons gave 24 lectures.

LECTURER	POSITION	NO. LEC.	SUBJECTS
Avery, Myrtilla.....	director's ass't N. Y. State Home Education	1	N. Y. State Home Education
Canfield, J. H.....	librarian Columbia University	1	Function of the librarian
Cutter, C: A.....	late lib'n Forbes Library, Northampton Mass.	8	Expansive classification
		8	Notes from the art section of a library, with hints on selection and purchase
Foster, W: E.....	pub. lib'n Providence R. I.	1	Kinds of reference material
		1	Using reference material
		1	Ideals for a reference librarian
Hazeltine, Mary E...	lib'n James Prendergast Free Library, Jamestown N. Y.	1	How to make the most of a small library
Iles, George	author	1	Book annotation
Jennings, J. T.....	sublib'n N. Y. State Library	1	Patents in reference work
Robbins, Mary E.....	acting director library dep't, Simmons College	1	Experiences in organization
Smith, Mary A.....	ass't in charge history division, N. Y. State Library	1	Reference books in history and genealogy
Solberg, Thorvald....	register of copyrights	2	Copyright
Welsh, Charles.....	publisher and author	1	Children's reading

Full course students 1903. The classes for the year were:

Seniors, class of 1903

Bacon, Corinne, New Britain Ct. Graduate (Packer Collegiate Institute) 1890

Bennett, Bertha Ilione, Ilion N. Y. B.L. (Syracuse) 1899

Blunt, Florence Tolman, Haverhill Mass. B.L. (Mt Holyoke) 1896, B.A. 1899

Brown, Zaidee Mabel, Palo Alto Cal. B.A. (Stanford) 1898

Casamajor, Mary, Brooklyn N. Y. B.A. (Adelphi) 1899

Chapman, Grace Darling, Geneva N. Y. B.L. (Lake Erie) 1901

Deming, Margaret Childs, Sacramento Cal. California University 1890-91. B.A. (Stanford) 1897

Donnelly, June Richardson, Cincinnati O. B.S. (Cincinnati) 1895

Draper, Annie Elizabeth, Auburn N. Y. Cornell 1900-1

Groves, Charlotte Elizabeth, Alfred N. Y. B.A. (Wilson) 1899

Hepburn, William Murray, Pictou, Nova Scotia. B.A. (Dalhousie) 1895, M.A. 1897

Jenks, Edwin Munroe, Boston

Katz, Louise Waldman, Ithaca N. Y. B.S. (Cornell) 1900

McCurdy, Robert Morrill, Andover Mass. B.A. (Harvard) 1900

Mathews, Mary Eliza, Brooklyn N. Y. B.A. (Adelphi) 1899

Perry, Everett Robbins, Worcester Mass. Harvard 1899-1901

Seligsberg, Ella Rosina, New York. B.A. (Barnard) 1899

Whittlesey, Julia Margaret, Cleveland O. B.L. (Lake Erie) 1899

Wyer, Malcolm Glenn, Excelsior Minn. B.A. (Minnesota) 1899, M.L. 1901

Juniors, class of 1904

Barker, Beatrice J., Providence R. I. Ph.B. (Brown) 1895

Bonnett, Marguerite Waldron, Pittsburg Pa. B.L. (Pennsylvania College for Women) 1896

Clarke, Mary Reynolds, Whitinsville Mass. Wellesley 1876-78; Smith 1879-80

Dickinson, Asa Don, Westwood N. J. Columbia College Law School 1894-96

Dunham, Mary Eleanor, Richmond Ind. University of Colorado 1895-96; B.A. (Indiana) 1898; Yale University Graduate School 1899-1901

Eastwood, Mary Edna, Albany N. Y. B.A. (Vassar) 1899

Emerson, Margaret Ann, Canajoharie N. Y. Graduate (Mt Holyoke Seminary) 1870

Goodrich, Nathaniel Lewis, Utica N. Y. B.A. (Amherst) 1901

Hedrick, Ellen, Washington D. C. B.A. (Smith) 1892

Hyde, Mary Elizabeth, San Francisco Cal. B.A. (Stanford) 1901

Ketcham, Ethel Belden, Dover Plains N. Y. B.A. (Radcliffe) 1899

Leupp, Harold Lewis, New York. B.A. (Cornell) 1902

McCollough, Ethel Farquhar, Franklin Ind. Ph.B. (Franklin) 1901

McConnell, Lilian Brown, Merrimac Mass. B.A. (Mt Holyoke) 1900

McKay, Mabel, Dunkirk N. Y. Vassar 1898-1900

Mackey, Mary Evelyn, Pittsburg Pa. B.A. (Pennsylvania College for Women) 1897

Manchester, Earl Northup, Factoryville Pa. B.A. (Brown) 1902

Mumford, Rosalie, Detroit Mich. Vassar 1894-96

Pearson, Edmund Lester, Newburyport Mass. B.A. (Harvard) 1902
Peck, Harriet Rosa, Gloversville N. Y. B.L. (Mt Holyoke) 1902
Peters, Orpha Maud, Circleville O. B.L. (College for Women of Western Reserve Univ.) 1902
Reed, Lois Antoinette, Rochester N. Y. University of Rochester 1900-2
Riggs, Alice Winifred, Pittsburg Pa. Ph.B. (College for Women of Western Reserve Univ.) 1901
Rose, Ernestine, Bridgehampton N. Y. B.A. (Wesleyan) 1902
Saleski, Mary Agnes, New York. B.A. (Wesleyan) 1900
Spafford, Martha Elisabeth, Rutland Vt. B.A. (Vermont) 1896
Tweedell, Edward David, Providence R. I. Ph.B. (Brown) 1901
Votaw, Albert Hiatt, Westtown Pa. B.A. (Earlham) 1874
Wead, Mary Eunice, Washington D. C. B.A. (Smith) 1902
Whitbeck, *Mrs* Alice (Grover), Berkeley Cal. B.L. (California) 1887

Summer course students 1903. The 20 students of the seventh summer course were:

Bartlett, Walter Loring, Newburyport Mass. B.A. (Harvard) 1892; Harvard Law School 1892-93
Brintnall, Anna, general librarian Watertown (N. Y.) Athenaeum
Burns, Isabella Sutherland, Smith 1897-98; apprentice James Prendergast Free Library, Jamestown N. Y.
Clark, Sarah M., Packer Collegiate Institute; assistant Richards Library, Warrensburg N. Y.
Colt, Fanny Learned, assistant New London (Ct.) Public Library
Dutcher, Marion Flagler, cataloguer Adriance Memorial Library, Poughkeepsie N. Y.
Guthrie, Anna Lorraine, B.A. (Minnesota) 1892; assistant Minnesota University Library
Hart, Mildred, cataloguer and reference librarian Grant University, Chattanooga Tenn.
Heughes, Mary Gertrude, Rochester N. Y. B.A. (Cornell) 1902
Johnston, Ursula K., apprentice Binghamton (N. Y.) City School Library
Malone, Marcella, LL.B. (New York University Law School) 1896; assistant Ottendorfer branch, New York Public Library
Mathews, *Mrs* Jessie Frances (Holmes) New York; Ph.B. (Drury) 1883; Wellesley 1888-89
Reinecke, Clara M., graduate (Packer Collegiate Institute) 1874; assistant book order department Brooklyn Public Library
Stonehouse, Mary Elizabeth, assistant Young Men's Association Library, Albany N. Y.
Streeter, Kate, Johnstown N. Y. B.A. (Vassar) 1888
Thayer, Sarah Elma, student Plainfield (N. J.) Public Library
Thurston, Mary Davis, librarian Leicester (Mass.) Public Library
Tuttle, Anna Seeley, B.A. (Vassar) 1899; University of Virginia, Charlottesville Va.; cataloguer Enoch Pratt Free Library, Baltimore Md.
Wright, Harriet Sabra, Mt Holyoke 1899-1900; assistant New Britain (Ct.) Institute
Yeomans, Ruth, Carleton College 1896-97; first assistant Danville (Ill.) Public Library

Staff instruction. 25 State Library assistants (a larger number than ever before) increased their efficiency by taking courses in the school, on their own time, the library making no charge for tuition as it benefits so directly by their increased usefulness. 18 courses were chosen.

COURSES	MEMBERS OF STAFF	COURSES	MEMBERS OF STAFF
Elementary bibliography..	2	Selection of books.....	4
Accession department.....	4	Advanced bibliography..	1
Elementary cataloguing...	7	Advanced classification.	2
Elementary dictionary cataloguing.....	4	Advanced reference work	4
Elementary classification..	5	History of libraries.....	2
Elementary reference work	10	**Summer course**	
Loan department.....	1	Classification.....	1
Binding	4		
Shelf department.....	4		
Indexing	5		
Founding and government.	1		
Library administration....	1		

Positions. Of a total of 1108 positions filled before Oct. 1, 1903, 470 have been in New York, 589 in 31 other states, 40 in the District of Columbia and 9 in 5 foreign countries. 98 new positions were filled by our graduates and students during the year, 44 in New York, 49 in 17 other states and 5 in the District of Columbia. Of 23 positions now filled by Library School students in Washington 12 are appointments in the national library, including 1 made this year.

10 Library School students took the state civil service examination held May 9 for State Library positions as assistants. 6 have been appointed, the constant calls from other libraries for our staff members making it necessary to fill vacancies.

Positions filled 1903

Name and class	*Position*	*Institution and place* (unless implied)
1888		
Patten, F. C.....	assistant librarian.....	New York Public Library
	librarian	Rosenberg Library Association, Galveston Tex.
1890		
Kent, H: W.....	librarian	Groller Club, New York
1891		
Crawford, Esther...	school reference librarian.....	Cleveland Public Library and board of education
Fearey, Charlotte S.	cataloguer	Albany (N. Y.) Female Academy Library

Positions filled 1903 (*continued*)

Name and class	*Position*	*Institution and place (unless implied)*
1892		
Cobbins, Mary E....	acting director library dep't.....	Simmons College, Boston
1893		
Van Hoevenberg, Alma R.....	cataloguer	Private library of Newell Martin, New York
1894		
Denio, H. W.....	librarian	Westfield (Mass.) Athenaeum
Gibson, Irene.....	instructor in elementary cataloguing, library science course..	Columbian University, Washington
Jewall, W. F.....	classifier and cataloguer.....	Grolier Club, New York
	librarian	Toledo (O.) Public Library
1895		
Cone, Jessica G.....	classifier and cataloguer.....	Emma Willard School Library, Troy N. Y.
		Potsdam (N. Y.) Public Library and Reading Room
		St Faith's School Library, Saratoga Springs N. Y.
Stanley, Harriet H..	lecturer on cooperation between public library and public school	Winona (Ind.) School for Librarians
1896		
Brooks, Henrietta St Barbe	assistant librarian.....	Wellesley College
Corwin, Euphemia K.	librarian	Berea (Ky.) College
Edwards, Ella M....	head cataloguer.....	University of Texas Library
1897		
Hopkins, Julia A....	librarian	Madison (Wis.) Free Library
	lecturer on classification.....	Wisconsin Summer School of Library Science, Madison
Jennings, J. T.....	librarian	Duquesne (Pa.) Public Library
Lord, Isabel E.....	assistant librarian.....	Pratt Institute, Brooklyn
Morse, Anna L.....	librarian	Reuben McMillan Free Library, Youngstown O.
Waterman, Lucy D.	librarian	Benson Memorial Library, Titusville Pa.
1898		
Hunt, Clara W.....	superintendent children's dep't...	Brooklyn Public Library
	nonresident lecturer.....	Training School for Children's Librarians, Carnegie Library, Pittsburg Pa.
Dyer, J. I.....	lecturer on U. S. public documents	Minnesota Summer School for Library Training, Minneapolis
1899		
Lindsor, P. L.....	librarian	University of Texas
1900		
Borden, Fanny.....	associate librarian.....	Smith College
Budge, Isadore G...	librarian	Bryn Mawr College
Day, Frances K.....	classifier and cataloguer.....	Union Free Library, Albany N. Y.
	assistant	New York State Library
1901		
Beard, Josephine....	cataloguer	Lewiston (Me.) Public Library
	librarian	Lewiston (Me.) Public Library
Brown, C: H.....	classifier	John Crerar Library, Chicago
Casamajor, Mary....	substitute Tompkins Park branch	Brooklyn Public Library
	1st assistant Tompkins Park branch	Brooklyn Public Library

Positions filled 1903 (*continued*)

Name and class	*Position*	*Institution and place (unless implied)*
1901		
Davis, Esther M.....	classifier	Library of American Society for Prevention of Cruelty to Animals, New York
Hyde, Sara G.....	assistant	U. S. Geological and Geographical Survey Library
Keller, Helen R.....	classifier and cataloguer.....	Iowa State Library
Mathews, Mary E...	substitute New Utrecht branch...	Brooklyn Public Library
	assistant Bushwick branch.....	Brooklyn Public Library
Phelps, Anna R.....	classifier and cataloguer.....	Lenox (Mass.) Library
	cataloguer	St Mark's Mission Library, Philadelphia
	instructor	Indiana Public Library Commission
1902		
Colcord, Mabel.....	assistant librarian in charge.....	Iowa State University Library, Iowa City
Deming, Margaret C.	librarian	Lorain (O.) Public Library
Fuller, Frances H...	children's librarian and library hostess	Millicent Library, Fairhaven Mass.
Gay, E. L:.....	cataloguer	Harvard University Library
Hawkins, E. Jean...	librarian	Eau Claire (Wis.) Public Library
Houghton, Celia M..	librarian	Albany (N. Y.) Public School Library
Mann, Olive L.....	assistant catalogue division.....	Library of Congress
Pope, S. E.....	assistant	Bowdoin College Library
Smith, Mary A.....	assistant in charge history division	New York State Library
	1st assistant.....	Duquesne (Pa.) Public Library
Taber, Josephine....	assistant librarian.....	Seattle (Wash.) Public Library
Wade, Edith S.....	classifier and cataloguer.....	Delhi (N. Y.) Public Library
		Milton (N. Y.) Public Library
		Claverack (N. Y.) Public Library
		Cohoes (N. Y.) Public School Library
Whittemore, B: A..	assistant	New York State Home Education
	assistant	A. L. A. Publishing Board, Boston
1903		
Bacon, Corinne.....	assistant	New York State Library
Blunt, Florence T...	assistant	Haverhill (Mass.) Public Library
Brown, Zaidee M....	classifier and cataloguer.....	Brookline (Mass.) Public Library
Chapman, Grace D..	assistant	New York State Library
Donnelly, June R...	assistant cataloguer.....	Cincinnati Public Library
Draper, Annie E.....	cataloguer	Y. W. C. A. Library, Albany N. Y.
	assistant	Brooklyn Public Library
Graves, Charlotte E.	assistant	New York State Library
Hazeltine, Alice I...	assistant catalogue dep't.....	Buffalo Public Library
Hepburn, W: M.....	assistant reference librarian.....	John Crerar Library, Chicago
Jenks, E. M.....	classifier and cataloguer.....	St Agnes School Library, Albany N. Y.
	assistant	Brooklyn Public Library
Kay, Louise W.....	cataloguer	University of California Library

Positions filled 1903 (*concluded*)

Name and class	*Position*	*Institution and place* (unless implied)
1903		
McCurdy, R. M.....	assistant	Brooklyn Public Library
Perry, E. R.....	assistant	Harvard University Library
	general assistant.....	St Louis Public Library
Seligsberg, Ella R...	assistant	New York State Home Education
Tweedell, E: D:....	classifier and cataloguer.....	Rhode Island Medical Society Library, Providence
Wyer, M. G.....	librarian	Colorado College
1904		
Dickinson, A. D.....	assistant Montague branch.....	Brooklyn Public Library
Goodrich, N. L:.....	classifier and cataloguer.....	Private library of Senator E. T. Brackett, Saratoga Springs N. Y.
Hedrick, Ellen.....	cataloguer	U. S. Geological and Geographical Survey Library
Hyde, Mary E.....	substitute Bushwick branch.....	Brooklyn Public Library
Leupp, H. L:.....	reading room assistant.....	Library of Congress
McKay, Mabel.....	assistant	New York State Home Education
Mackey, Mary E.....	assistant reference dep't.....	Carnegie Library, Pittsburg Pa.
Manchester, E. N...	cataloguer	Keystone Academy Library, Factoryville Pa.
	2d assistant librarian.....	Brown University Library
Pearson, E. L.....	assistant Montague branch.....	Brooklyn Public Library
Peck, Harriet R.....	reviser	Chautauqua Library School
Reed, Lois A.....	assistant	New York State Library
Rose. Ernestine.....	substitute Aguilar branch.....	New York Public Library
Saleski, Mary A.....	assistant	New York State Library School
Spafford, Martha E.	classifier	Proctor (Vt.) Public Library
	shelflister.....	Brooklyn Public Library
Wead, M. Eunice....	classifier and cataloguer.....	Maclure Library, Pittsford Vt.

Publications. Library School bulletins 12–13, *Lecture Outlines and Problems* and *English Cataloguing Rules* were issued in October and November 1902. The former is made up mainly of new editions of miscellaneous lecture outlines, etc. originally printed separately for the school. The latter, used in the course in advanced cataloguing, is a reprint of the Library Association series no. 5, London 1893, now out of print.

New editions of the *Handbook* (Library School bulletin 15), *Material for Course in Reference Study* (Library School bulletin 16) and *Selection of Catalogucrs Reference Books in New York State Library* (Bibliography bulletin 36) will be available in the fall of 1903.

Chautauqua summer school. The third session of the Chautauqua Institution Library School was held July 4–Aug. 14, the

director of the New York State Library School again acting as general director.

There were 29 students from 14 states, 9 from Ohio, 3 each from New York and Pennsylvania, 2 each from Indiana, Missouri and Texas and 1 each from Connecticut, Florida, Illinois, Kansas, Massachusetts, Michigan, South Carolina and Wisconsin. In the three years we have had 95 students representing 25 different states.

Miss M. E. Hazeltine, resident director of the school, was assisted by Miss M. E. Robbins, '92, acting director library department, Simmons College, Boston, Miss F. L. Rathbone, Pratt Institute Library School '03 and Miss H. R. Peck, '04.

Lectures were also given by Mr and Mrs H. L. Elmendorf, W. R. Eastman, Miss M. E. Ahern, A. L. Peck, W. F. Yust, Dr Richard Burton and the director of the state school.

The general course offered included accession department work, cataloguing, classification, bibliography and reference work as the major subjects. The full list of the class is in *Library Journal*, Aug. 1903, 28:623.

Typewriting instruction. It has become clear that nearly all writing in libraries must be done by machines, not alone to secure the highest legibility, compactness, speed and economy, but for the peculiar reason that most library records are kept on the card system with constant intercalation, so that uniformity has a much greater value than in other places. As we could save both time and money and at the same time secure greater legibility and uniformity with machines, we felt that the Library School students should have opportunity to learn their practical use. While many of them will have operators to do most of their writing, all will have frequent occasion to write with their own hands and can do it much more easily and quickly if skilful with the machine. The more valuable a person's time, the more important that he do in the quickest way such writing as he does himself. The year's experience has strongly confirmed the wisdom of this decision. We have heretofore required every student to acquire a creditable library hand before doing his prac-

tice work. Some for physical reasons find this very difficult and are now allowed the option of writing their cards on the machine.

Having decided to give this new prominence to machines, we were greatly concerned to find the best for our purpose. From a list of nearly 200 different makers, we selected 14 which gave best promise and had one of each submitted for explanation and introduction by its makers and for prolonged trial for our peculiar work by our own operators without outside influence. After one month we unanimously concluded that it would be unwise to use any of the blind machines in which the writing can be seen only by lifting the carriage. Our tests proved conclusively the advantage of visible writers; and even if it can be proved that in ordinary commercial correspondence expert operators do not raise the carriage often, it is certainly of the utmost importance in library work, where we deal with scores of different languages and do much precise work, that every letter should be in sight when written. After rejecting the old form of typewriter, destined to give way to the new as surely as the high bicycle gave way to the safety, we continued for some months our experiments, testing for various special uses and marking quality of work without knowing from which machines it came. Two or three gave most satisfactory results, and after a year's experience we found it economy to take out the rest of our blind machines and have all visible writers. We now have 15.

The class is given some general instruction together at the opening of the year and is encouraged to practise in the typewriter room where experienced operators constantly supervise their work. They are also encouraged in order to secure practice, to write all their personal correspondence on machines available evenings and holidays as well as in regular school hours. We have tried, in each case with success, providing various clerks in different divisions with machines and find a distinct saving because of the quicker work. In other cases we find a saving in placing machines in various rooms where work was before carried some distance to typewriters. The time saved in going back and

forth computed at the rate of annual salary very soon pays more than interest on cost of an extra machine. We now say to our staff that any one who can show that a machine will save enough of his time to amount annually to more than 10% of its cost may ask for a typewriter.

The prominent makers recognized the justice of the claim and agreed that not only a library school but any library wishing to give members of its staff instruction in the use of machines should receive the special price heretofore made only to schools of typewriting. This materially reduces cost to libraries wishing to adopt typewriters for much freer use than heretofore, and emphasizes the importance of the instruction and even more of opportunities for practice now afforded in our Library School.

Traveling library schools

We developed the traveling library and proved its great usefulness. The traveling librarian is now to be evolved in inspectors and experts who can teach in the various institutes, visit normal and other schools and give inspiration or short courses of instruction and in this way carry to people who can not afford a first class librarian all the year, as much of the benefit as can be condensed into a short period.

The time is ripe now to start the third factor which may be called something else but which will be in fact a traveling library school. We have found great practical good coming from the annual trips for 10 years of our students who visit the most prominent libraries one year with Boston as a center, the next with New York and Washington. The utmost courtesy has been shown by the librarians who have vied with each other in giving all the help practicable. They have been more willing to do this because they take 50 librarians at once and devote only a single day, instead of having them scattered through the year one at a time, requiring almost 50 times as much attention. There is no doubt of the great value to librarians, young and old, of visiting certain typical libraries and studying their methods and resources. There is no doubt also that this is a serious burden on those

libraries, which ought to be minimized as far as consistent with the service which they are all glad to render to libraries with fewer opportunities. I propose therefore that in a few centers a specified period each year of one or more weeks, preferably a month, be specially assigned for visits from library officials. This would be librarian's week or month, and certain members of the staff would be assigned to receiving and helping these visitors as much as possible. Informal lectures or talks would explain the library's resources and methods and in some cases definite instruction in certain subjects could be offered and dates announced when it would be given so that a visitor who could not spend the entire month could select the time when his own specialty was under consideration. In the national library, besides the regular topics of administration taken up in all large libraries, there would be special dates for copyrights, government publications (including the superintendent of documents' work), manuscripts, maps, prints, printed catalogue cards and other topics that could be studied better in Washington than elsewhere, including of course in the program as at the other centers, visits to neighboring libraries worth attention. The natural centers would be the national library with trips to Baltimore; New York with headquarters at Columbia or New York public; Harvard or the Boston public for Boston and vicinity. The New York State Library would offer certain facilities not to be found elsewhere for study of a state library department with inspectors, the largest traveling library and picture system, study club and other extension work, and questions of state and law library administration. In Buffalo, Cleveland, Chicago, Madison, San Francisco and perhaps other points the principle could be utilized as soon as the number of visitors scattered through the year became large enough to show demand and burdensome enough to indicate need of this remedy. Some libraries might give the week or month only on alternate years. This would be available not alone to students of library schools, but to older librarians, assistants and trustees who would take one or more of these centers each year and familiarize themselves to an extent not possible without this

systematic provision for their guidance. A public librarian might give a month each year in rotation to a series of these centers with great profit, and incidentally the month in Washington, New York or Boston would be most enjoyable for metropolitan privileges outside the technical library field. Some would like to give a year to this work and on that account it would be desirable for the principal centers to arrange their dates in rotation, choosing in each city the month that would be most enjoyable: Washington when Congress was in session, Boston perhaps in summer when the north and south shore and sea trips and beautiful suburban roads would be specially attractive; New York in the winter when the best entertainments were offered. Possibly the plan will eventually develop some one with special gifts for this kind of work who will spend his time at these libraries in rotation much as Professor Powers and other experts travel, with parties abroad, doubling the benefit received because of their own familiarity not only with the institutions, but with the special needs of visitors. This may be a phase of the new national library institute to have a director of this traveling library school who will spend a month at a time in chosen centers and be ready to assist all library officials who come at that time to study the methods and resources of that section.

We should be glad if any one interested will send suggestions or criticisms on this scheme to us to be preserved and submitted together when the time is ready to start the system. We have already made a beginning in New York by telling people if they can arrange it to come to the State Library in June each year when the regular school and summer class are both in session and there are an unusual number of lectures of interest. The next step is for the national library to establish a library month in Washington and these experiments will indicate when the other centers ought to offer their facilities.

There must be no fees for those who attend these library weeks or months, and no library should offer such facilities unless it is willing to take much trouble to help those who come. They should have lists of really desirable boarding places and a circu-

lar giving needed information. They should provide tables and other special facilities for study, and make those who come feel more at home than the casual reader who drops in for an hour. In short, a few libraries with marked advantages for this kind of study will receive these visitors as special guests during the annual or binennial library week or month and will find it no little burden, but their return will be the satisfaction of contributing materially to library progress.

In reviewing the work of the school for the year we find that never has it been doing its work more smoothly and with a more satisfactory spirit among faculty, teachers and alumni.

Respectfully submitted

MELVIL DEWEY

New York State Library, Oct. 1903 *Director*

Calendar, 18th school year, 1903-4

	1903	
Oct.	7	School opens Wednesday a.m.
Nov.	3	Election day, holiday, Tuesday
Nov. 25		Thanksgiving recess Wednesday noon to Monday noon
Nov. 30		
Dec.	24	Christmas recess begins Thursday a.m.
	1904	
Jan.	5	Lectures begin Tuesday a.m.
Feb.	12	Lincoln's birthday, holiday, Friday
Feb.	22	Washington's birthday, holiday, Monday
Mar. 30–Ap.	1	Course examinations Wednesday–Friday
Ap.	6–18	Visit to New England libraries
Ap.	19	Lectures begin Tuesday a.m.
May	19	Summer course begins Thursday a.m.
May	30	Memorial day, holiday, Monday
June	20–24	Course examinations, Monday–Friday
June	24	School closes Friday p.m.
June	30	Summer course closes Thursday p.m.

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35 BEST BOOKS OF 1902

Published monthly by the
University of the State of New York
Subject no. 016
BULLETIN 391
JULY 1903

New York State Library

MELVIL DEWEY Director

Bulletin 81

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A SELECTION FROM THE

BEST BOOKS OF 1902

WITH NOTES

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A SELECTION FROM THE

BEST BOOKS OF 1902

WITH NOTES

To the Librarian

PREFATORY NOTE

This is an annotated list of 250 books published in the United States in 1902, selected by the book board of the New York State Library and recommended to the public libraries of the State. To aid in choosing small collections of new books three classes are marked: books marked *a*, of which there are 20, are suggested to libraries which must confine their additions within narrow limits; 30 others marked *b* are also proposed to libraries prepared to buy 50 books; and 50 more marked *c* may be added to *a* and *b* to make up 100 books.

The remaining 150, including reference books and a few more costly publications, are worthy of careful consideration by libraries prepared to buy more than 100 books and by those wishing to enlarge their resources in special subjects. Many of the unmarked works are of the highest merit. *Decimal Classification* numbers as used in the New York State Library are prefixed as a guide to libraries using this system. Serial numbers of the Library of Congress printed catalogue cards are given in note type, for the convenience of libraries wishing to order them.

While this list has been prepared with special reference to the smaller public libraries, and some of these books are not recommended for school use, it will also be of much service to the schools. Almost all the list is available. Any book under the heading "Juvenile" may be bought for academic libraries. But there are some books of fiction found here which serve a legitimate purpose in the public library by providing wholesome entertainment for a very different class of readers, yet have not enough positive value, either as literature or as a spur to historical study to justify their purchase by the school.

Copies of this list may be obtained for 10 cents from the **New York State Library, Albany N. Y.**

MELVIL DEWEY

Albany, June 24, 1903

REFERENCE BOOKS

016 *a* **Kroeger, A. B.** Guide to the Study of Reference Books. Houghton net $1.25

2-25789 For librarians, teachers and students. Arrangement based on *Decimal Classification*. Gives author, full title, size, illustrations, publisher, price, brief descriptive note. Author and subject index, list of 100 reference books for smaller library.

016.97 *c* **Larned, J. N.** *ed.* Literature of American History. Houghton net $6

2-15885 About 4000 titles. Classified and indexed, with notes on scope, character and comparative worth, signed by specialists or quoted from reviews. Valuable feature that poor books likely to be considered are included and criticised.

—— —— Supplement for 1900 and 1901; ed. by P. P. Wells. Houghton net $1

3-727 Nearly 200 entries in one alphabet. Notes generally condensed from reputable reviews, signed where practicable. Future supplements will be issued also on cards.

025.3 **Hasse, A. R.** *comp.* United States Government Publications: a Handbook for the Cataloguer. pt 1, The Government at Large, the Constitution, Statutes, Treaties. Library Bureau $1

2-14900 Briefly explains character and principles governing treatment of each type of publication for dictionary catalogue, and gives sample cards. Three parts, on the legislative body, the executive body and the judiciary are to follow.

029.5 **Wheatley, H: B:** How to Make an Index. (Booklover's Lib.) Armstrong $1.25

2-21245 Includes much matter from his *What is an Index* (o.p.) with practical additions. Entertaining and valuable in statement of principles and illustrations, but recommends some antiquated clerical methods.

808.8 **Reynolds, Cuyler.** Banquet Book. Putnam net $1.75

2-10350 Classified quotations to aid in preparation of toast list, with suggestions about menu and proper ordering of banquets.

PHILOSOPHY AND ETHICS

150 **Compayré, Gabriel.** Later Infancy of the Child. (Internat. Educ. Ser. no. 53) Appleton net $1.20

2-20308 Pt 2 of his *Intellectual and Moral Development of the Child.*
Imitation and curiosity, judgment and reasoning, learning to speak, walking and play, development of moral sense, faults and virtues, morbid tendencies, sense of personality.

170 *c* **Hale, E: E.** How to Live. Little $1

2-23972 Talks on best ways to meet daily personal duties and necessities. Prepared for Chautauqua reading course. Practical, direct, informal.

172.1 **Brewer, D: J. American Citizenship.** (Yale Lectures on the Responsibilities of Citizenship) Scribner net 75c

2-11625 Strong appeal to young men to cherish high ideals of national and social life, by Justice Brewer.

.1 **Potter, H: C.** The Citizen in his Relation to the Industrial Situation. (Yale Lectures on the Responsibilities of Citizenship) Scribner net $1

174 Holds high standards of duty before the citizen in his relations with workingman, capitalist, consumer, corporation and state.

RELIGION

See also Juvenile, p. 221

a **James, William.** Varieties of Religious Experience. (Gifford Lectures, 3d ser.) Longmans net $3.20

221 Psychologic study of personal religion in widely different manifestations. Open-minded, sympathetic, clear and fresh in style.

Everett, C: C. Immortality and other Essays. Amer. Unitarian Ass'n net $1.20

273 Shows power to treat abstruse themes of religion and philosophy in a manner at once scholarly, clear, simple and convincing. *Dial*

c **Hyde, W: DeW.** Jesus' Way. Houghton net $1

392 Shows that the teachings of Jesus offered originally not a theological system, but a simple and still practical way of living.

.03 **Brooks, Phillips.** Law of Growth and other Sermons. Dutton net $1.20

96 21 sermons, mainly from New Testament texts, preached from 1874–90. v. 9 of series.

Gladden, Washington. Social Salvation. Houghton net $1

265 Yale lectures on relation of churches and pastors to care of poor, the unemployed, prisoners, social vices, public education, municipal reform. Addressed to theological students but good reading for all thoughtful men interested in great social questions of the day. *Critic*

.6 **Strong, Josiah.** Next Great Awakening. Baker & T. 75c

32 Shows where principles of Christianity are practically ignored in business and social organizations and sketches needed reformation.

Beach, H. P. Geography and Atlas of Protestant Missions. v. 1, Geography; v. 2, Statistics and Atlas. Student Volunteer Movement $4

? Geography, people, prevailing religion, present missionary force, work and outlook in each country. List of missionary contributors, bibliography and index. Maps, by Bartholomew, clear and detailed.

Dennis, J. S. Centennial Survey of Foreign Missions. Revell net $4

03 Elaborate statistical supplement to his *Christian Missions and Social Progress*, giving in tabular form an admirable statement of the present situation in protestant missions. Illustrations and maps. Oblong quarto.

.3 *b* **Abbott, E. H.** Religious Life in America. Outlook Co. net $1

197 Personal observation of religious life, pastoral relations, denominational preferences and effects, class attitudes toward religion, foreign influences, etc. during three months' journey.

298 **Linn, W: A.** Story of the Mormons. Macmillan net $4

...4701 Secular, not religious, stating facts and avoiding as far as possible moral deductions. Based mainly on original Mormon publications. Most complete history of the Mormons yet written. (1902) *Athenaeum*

SOCIOLOGY

304 *a* **Addams, Jane.** Democracy and Social Ethics. (Citizens' Lib.) Macmillan net $1.25

...10126 Discusses charitable effort, relation between family and social duties for unmarried women, household service, unfitness to practical needs of education offered the poor, political reform, industrial problems.

309 **Kropotkin, P. A.** *prince.* Mutual Aid: a Factor of Evolution. McClure net $2.50

...886 Maintains that mutual aid rather than contest is the important factor in progressive evolution of men and animals. Sociologic rather than biologic.

322 **Cobb, S. H.** Rise of Religious Liberty in America. Macmillan net $4

...13240 Groups a mass of material which makes a distinct and, in the main, accurate impression in total effect, but is marred by many errors in detail. *Nation*

325 *b* **Colquhoun, A. R.** Mastery of the Pacific. Macmillan net $4

...6141 Surveys history, present conditions, and probabilities of ultimate control by each of the leading nations. Popular; based on wide observation. Maps and illustrations.

325.3914 **Schurman, J. G.** Philippine Affairs; a Retrospect and Outlook. Scribner net 60c

...3912 Summarizes investigations of Philippines commission, discusses present situation and recommends temporary American protectorate and ultimate self-government.

...30.4 *c* **Carnegie, Andrew.** Empire of Business. Doubleday $3

... 1...a 17 popular essays and addresses on essentials to business success, trusts, the tariff, railroads, iron and steel trade, comparative cost of living in Great Britain and United States, etc.

... **American Academy of Political and Social Science.** Social Legislation and Social Activity. McClure net $1.50

... Addresses at sixth annual meeting, on Social Effects of Transportation, Industrial Conciliation and Arbitration; The Housing Problem; Child Labor; Factory Legislation and Inspection; Juvenile Courts.

... **National Conference on Industrial Conciliation.** Report of the Proceedings, 1901. (Questions of the Day) Putnam $1.25

... Addresses of New York conference, 1901, and Chicago conference, 1900-... include Oscar L. Strauss, Charles M. Schwab, Frank P. Sar... Samuel Gompers, John Mitchell, Carroll D. Wright, Archbishop ... James Duncan, Martin Fox, and many others.

331 **Peters, J. P.** *ed.* Labor and Capital. (Questions of the Day) Putnam $1.50

2-13401 Result of newspaper symposium by about 50 well known representatives of trusts, corporations, trade unions, professional economists philanthropists and lawyers.

331 **Wright, C. D.** Some Ethical Phases of the Labor Question. Amer. Unitarian Ass'n net $1

2-24907 Four essays on religion in relation to sociology, political economy and the labor question, the factory system and prison labor.

331.8 **Betts, L. W.** The Leaven in a Great City. Dodd net $1.50

2-23322 Tenement life. Supplements Riis's books by laying stress on work of women's and girls' clubs and of Rivington st. settlement. Photographs.

Valuable contribution to consideration of city problem. *Nation*

331.8 **Riis, J. A.** Battle with the Slum. Macmillan net $2

2-25775 Much enlarged, illustrated edition of his *Ten Years' War* (1900), describing struggle against the slum, the tenement and the gang.

331.8 **Woods, R. A.** *ed.* Americans in Process: a Settlement Study. Houghton net $1.50

2-30142 Social, political and religious conditions among foreigners in north and west ends of Boston. Supplements *The City Wilderness*. Informing and readable.

332 **Burton, T. E.** Financial Crises and Periods of Industrial and Commercial Depression. Appleton net $1.40

2-3922 Defines terms, discusses indications, accompanying conditions, causes and preventives; brief history of crises and depressions in United States. Diagrams, bibliography, index.

332 **Cleveland, F: A.** Funds and their Uses. (Appleton's Business Ser.) Appleton net $1.25

2-26500 What funds are, how obtained and how operated through United States treasury, saving and commercial banks, building associations, brokerage, trust and insurance companies. Popular; facsimiles of business paper.

338.8 *c* **Bolen, G: L.** Plain Facts as to the Trusts and the Tariff. Macmillan net $1.50

2-21599 Puts difficult matters in terms comprehensible by majority. Chapters on railroad problem and municipal monopolies.

Thoroughly useful and interesting, largely because it places facts above philosophy and offers no panacea for inherent ills. *Dial*

338.8 **Bridge, J. H.** *ed.* The Trust: its Book. Doubleday net $1.25

2-16118 Eight essays by five contributors. Emphasizes importance of trust as an essential part of industrial system, and shows its advantages as a productive agent. *Dial*

352 **Zueblin, Charles.** American Municipal Progress. (Citizen's Lib.) Macmillan net $1.25

2-24493 Survey of conditions in cities throughout country, as to transportation, sanitation, public schools, libraries, parks, buildings, recreation municipal ownership and operation, etc.

355.07 *c* **Hancock, H. I.** Life at West Point. Putnam net $1.40

2-15895 Describes making of army officer; his studies, discipline and amusements. Illustrated.

361 *c* Lee, Joseph. Constructive and Preventive Philanthropy. (Amer. Philanthropy of the 19th Century) Macmillan net $1

2-29024 Introduction by Jacob Riis. Considers libraries, savings and loan associations, building laws, protection of homes, home industries, vacation schools, playgrounds, baths, clubs, industrial training, medical inspection, etc. Useful bibliographic notes.

EDUCATION

370 *a* **Henderson, C. H.** Education and the Larger Life. Houghton net $1.30

2-11635 Original study of principles of education and their application in modern life. Makes against commercial view and for a harmonious development of the entire human organism.
Its main value lies in its sincere and inspiring idealism. *Joseph Jastrow*

370 **Oppenheim, Nathan.** Mental Growth and Control. (Personal Problem Ser.) Macmillan net $1

2-2275 Lays down definite yet elastic principles for guidance of intellectual life and upbuilding of character, based on physiologic and psychologic facts.

370.9 **Ware, Fabian.** Educational Foundations of Trade and Industry. (Internat. Educ. Ser. no. 54)

2-1219 Examines systems developed in Germany, France and United States for education of industrial classes, and points out need of organization in England.

374 *c* **Lorimer, G: H.** Letters from a Self-made Merchant to his Son. Small $1.50

2-23991 Sound and homely advice on business and life in phraseology of a Chicago pork packer. The gist of it is: Live clean and sell hog at a profit.

378.42 *b* **Corbin, John.** An American at Oxford. Houghton net $1.50

2-13234 Detailed description of student life at Oxford, with strong emphasis on athletics. Compares educational systems of Oxford and American universities, particularly Harvard.

387 **Abbot, W. J:** American Merchant Ships and Sailors. Dodd net $2

2-25189 Popular account of development of merchant marine. Will be welcome alike to the youth who seeks amusement and his father who seeks information. *Nation*

NATURAL SCIENCE

See also Juvenile, p. 221

504 **Miller,** *Mrs* **M. R.** Brook Book. Doubleday net $1.35

2-13843 Follows brook's course, describing animal and vegetable life throughout year. Conveys simply much interesting information. Specially beautiful photographs and excellent drawings. Author lecturer on nature study at Cornell.

507 *b* **Hodge, C. F.** Nature Study and Life. Ginn $1.65

2-9148 Studies of animal and plant life, involving elementary practice in gardening, domestication of wild creatures, forestry etc. Valuable to parent and public as well as teacher. Well illustrated.

520.4 **Jacoby, Harold.** Practical Talks by an Astronomer. Scribner net $1

2-10145 Navigation at sea, the Pleiads, temporary stars, Galileo, how to make a sundial, Saturn's rings, the heliometer, the moon hoax, etc.

523 **Newcomb, Simon.** Astronomy for Everybody. McClure net $2

2-27948 Authoritative, up to date and written in simple style without technical or mathematical language. Illustrated.

529.78 **Earle,** *Mrs* **Alice (Morse).** Sun-dials and Roses of Yesterday. Macmillan net $2.50

2-28497 Garden lore, compressing a mass of historical, descriptive, traditional and emblematic matter. Copiously illustrated, the sundials pictures generally satisfactory, the roses poor.

551.21 *a* **Kennan, George.** Tragedy of Pelée. Outlook Co. n.t $1.50

2-26372 Author sailed for Martinique five days after destruction of St Pierre. Describes conditions and later eruptions from personal observation. Pictorial, dramatic and tragic rather than scientific aspects.

551.4 *c* **Tarr, R. S.** Physical Geography of New York State. Macmillan net $3.50

2-15196 Detailed account of physical features, geologic relations, effects of glaciation, changes in progress, climate. Chapter on influence of physiographic features on industrial development. 210 illustrations, maps and diagrams.

551.5 **Dunn, E. B.** "Farmer Dunn" *pseud.* Weather and Practical Methods of Forecasting It. Dodd net $1.60

3-738 Treated in clear, untechnical fashion. Aims to make information serviceable to farmers, sailors, physicians etc. Based on 30 years' experience in weather bureau.

580 *c* **Mathews, F. S.** Field Book of American Wild Flowers. Putnam net $1.75

2-12933 Describes about 800 species with excellent drawings of large proportion and 24 colored plates. Arranged by families; avoids technicalities and makes special effort to define color. Most compact popular handbook yet provided. (1902)

581.974 **Dame, L. L. & Brooks, Henry.** Handbook of the Trees of New England. Ginn $1.35

2-1057 Most convenient popular field book yet published. (1902) Gives habitat, range, clear, accurate description and excellent drawings of leaf, flower and fruit.

Rogers's *Among Green Trees*, Mumford $3, is an attractive home book for nature students and amateurs in forestry and tree identification.

590 **Roberts, C: G: D.** Kindred of the Wild. Page $2

2-15335 Stories of wild animals studied in New Brunswick forests. Introductory essay on the "animal story.'

590.4 *a* **Long, W: J.** School of the Woods. Ginn net $1.50

2-22702 Personal observations of animals and birds. Believes training by wild mothers more important than instinct. Thinks animal life on the whole more joyous than tragic. See opposing paper by John Burroughs, *Atlantic* 91:29 and reply by Mr Long, *No. Amer. Rev.* 176:688.

590.7 **Smith, Eugene.** Home Aquarium and How to Care for it. Dutton net $1.20

2-18583 Illustrated handbook giving information about suitable plants, fish and other animals, arrangement, hygiene, food, collecting etc.

595.78 **Eliot, I. M. & Soule, C. G.** Caterpillars and their Moths. Century net $2

2-22496 Clear directions for rearing and study, with life histories of 43 species. Specially valuable in presenting results of 20 years' experience. Photographs.

598.2 **Bailey,** *Mrs* **Florence (Merriam).** Handbook of Birds of the Western United States. Houghton net $3.50

2-27502 Comprehensive manual complementing Chapman's *Handbook of Birds of Eastern North America*. Excellent keys and descriptions of form, appearance, nest, habits and landscape setting. 33 plates by Fuertes and over 600 cuts in text.

Other good local books are: Maynard's *Birds of Washington* (D. C.) Woodward and Lothrop net $1, a handbook; Keyser's *Birds of the Rockies*, McClurg net $3, descriptive essays; Pearson's *Stories of Bird Life*, B. F. Johnson 50c, observations in the Carolinas.

598.2 *b* **Doubleday,** *Mrs* **N. B. DeG.** "Neltje Blanchan" *pseud.* How to Attract the Birds. Doubleday net $1.35

2-26093 On habits, nest-building, coloration, economic value, with suggestions for attracting by calls, providing food plants, water, nesting places, etc. Beautifully illustrated. Suggestive and interesting to bird lovers who are not yet bird students.

598.2 **Wheelock,** *Mrs* **I. G.** Nestlings of Forest and Marsh. McClurg net $1.40

2-10845 Painstaking and interesting studies in graceful language of bird babyhood. Photographic illustrations.

599 *b* **Stone, Witmer & Cram, W: E.** American Animals. Doubleday net $3

2-26092 Popular guide to North American mammals. English and Latin names, brief descriptions and "intimate biographies" of more familiar species. Profuse illustration. Key to genera, bibliography and index.

USEFUL ARTS

See also Juvenile, p. 222

614.4 **Sedgwick, W: T.** Principles of Sanitary Science and Public Health. Macmillan net $3

2-12928 With special reference to causes and prevention of infectious diseases. Thoroughly scientific but not too technical for the intelligent reader.

628 *b* **Baker, M. N.** Municipal Engineering and Sanitation. (Citizen's Lib.) Macmillan net $1.25

2-766 Practical popular discussion of problems of transportation, communication, water, lighting, slaughter houses, sewage, street cleaning, smoke, noise, etc., public policy and finance.

631 **Newell, F: H.** Irrigation in the United States. Crowell net $2

2-7133 Geographic conditions, methods of storing and distributing water, and marvelous results. But slightly technical, of practical value to farmer, abundantly illustrated. Author hydraulic engineer, United States Geological Survey.

634.9 *c* **Fernow, B. E.** Economics of Forestry. (Lib. of Economics and Politics) Crowell net $1.50

3-10 Discusses questions of economics together with practical details and necessities of forester's art. Reviews foreign policies and forestry movement in United States.

634.9 **Gifford, John.** Practical Forestry. Appleton net $1.20

2-13657 Illustrated manual for beginners in forestry, agricultural students, woodland owners and others interested in forest preservation, on values, distribution, formation and culture of forests, government reservations, etc. Roth's *First Book of Forestry*, Ginn 75c, a small, much more elementary illustrated volume, is also commended.

636.7 **Young, E. R.** My Dogs in the Northland. Revell net $1.25

2-22004 Stories of dogs, mongrels, St Bernards, Newfoundlands and Eskimos, driven in harness. By a missionary to Indians near Lake Winnipeg.

640 **Herrick, C. T.** In City Tents. Putnam net $1

2-22868 How to find, furnish and keep a small home on slender means. Special reference to New York city.

641 *b* **Curtis, I. G.** Left-overs Made Palatable. Judd $1

2-456 Based on actual results by good cooks, every recipe having also been tested at New England cooking school. A really practical aid to average housekeeper.

Good books on cooking abound this year. Among the best are: *Harper's Cook Book Encyclopedia*, Harper net $1.50, which arranges recipes alphabetically with full cross reference; Hill's *Practical Cooking and Serving*, Doubleday net $2, a comprehensive illustrated manual by editor of *Boston Cooking School Magazine*; Pierce's *Hartley House Cook Book and Household Economist*, Lentilhon 60c. (Handbooks for Practical Work in Church and Philanthropy) a small book giving recipes for cheap and wholesome cooking and methods; Ronald's *Luncheons; a Cook's Picture Book*, Century net $1.40, supplementing well known *Century Cook Book*.

646 **Patton, Frances.** Home and School Sewing. Teachers ed. Newson & Co. 60c

1-24108 Good illustrated elementary manual of instruction in the various processes of plain sewing and mending. Chapters on color, materials, sewing tools.

654.2 **Bubier, E: T. (Edward Trevert).** A B C of Wireless Telegraphy. Bubier Pub. Co. $1

2-16425 Popular; briefer, less technical and less historical than Tunzelmann's handbook. Directions for making various apparatus.

677 **Todd, M. P.** Hand-loom Weaving. Rand 90c

2-28494 Illustrated manual for school and home, describing tools, materials, processes and the weaving of a variety of articles. Bibliography.

677 *a* **Wheeler, C. T.** How to Make Rugs. Doubleday net $1

2-25916 Earnest plea for revival of domestic rug-making, specially in rural communities. Gives practical details as to coloring and weaving.

686 **Cockerell, Douglas.** Bookbinding and the Care of Books. (Artistic Crafts Ser. of Technical Handbooks) Appleton net $1.20

2-3113 Aid in selection of sound methods and supplement to workshop training. 120 cuts. Ranks with Zähnsdorf's and Crane's manuals. Author trained in Cobden-Sanderson's shop. Valuable to librarians, bookbinders, designers.

FINE ARTS

704 **Conway, *Sir* W. M.** Domain of Art. Dutton net $2.50

3-2220 Deals practically with art in relation to social life and urges diffusion of artistic taste among all classes.

708.5 *c* **Potter, M. K.** Art of the Vatican. Page net $2

2-26376 For traveler and amateur. Brief history of palace and description of its principal art treasures. Plans and many good halftone reproductions.

720.944 *c* **Perkins, C. C.** French Cathedrals and Chateaux. 2v. Knight net $4

2-22006 v. 1, cathedrals, v. 2, chateaux and palaces. General chapters on French history and Gothic and Renaissance architecture. Historical rather than architectural. 62 halftones.

726.6 **Ditchfield, P. H.** Cathedrals of Great Britain. Lippincott net $2

3-1917 Traveler's handbook; mainly architectural history and description, with brief account of sees; tables of building dates, dimensions and neighboring objects of interest; plans and illustrations. Treats Scotch and Welsh cathedrals briefly.

745 *c* **Brown, F. C.** Letters and Lettering. Bates $2

3-30424 Practical handbook for designers, profusely illustrated with ancient and modern alphabets of standard forms.

749 **Morse, F. C.** Furniture of the Olden Time. Macmillan net $3

2-28413 American, 17th to early 19th century. 300 illustrations from existing examples. Excellent medium sized reference book.

750 **Witt, R. C.** How to Look at Pictures. Macmillan $2

3-15103 Points out qualities to be seen in connection with subject, color, composition, drawing, school, in landscape, portraiture etc. 35 illustrative reproductions from paintings in foreign galleries.

778 **Dugmore, A. R.** Nature and the Camera. Doubleday net $1.35

2-29904 Advice on choice of apparatus, dark room, printing etc. with detailed directions for photographing live birds, animals, flowers, fungi. Many photographs.

MUSIC

783 **Dickinson, Edward.** Music in the History of the Western Church. Scribner net $2.50

2-12488 Study of development of different musical forms and expressions under catholic and protestant influences from early times to present. Bibliography.

AMUSEMENTS AND SPORTS

See also Juvenile, p. 222

792 *c* **Clapp, H: A.** Reminiscences of a Dramatic Critic. Houghton net $1.75

2-14130 Pleasant reading, valuable as the deliberate opinions of a qualified observer on prominent actors of the last 30 years.

793 *c* **Wells, Mabel & Geissinger, J. A.** Programs and Pointers. (League at Work Ser.) Jennings net 25c

2-30106 Practical handbook containing suggestions and programs to be used in conducting literary and social meetings of young people's societies.

POETRY AND DRAMA

See also Juvenile, p. 222

811.49 **Johnson, R. U.** Poems. Century net $1.20

2-14581 Comprises previous collections entitled *The Winter Hour* and *Songs of Liberty*, with later Poems of Italy, Poems on Public Events and Poems of Heart and Soul.

811.49 *c* **Roberts, C: G: D.** Poems. Page $1.50

2-1131 Mainly author's selection from earlier publications. His work has a consistency and harmony united with an earnestness of feeling — qualities which can scarcely be absent from enduring verse. *Critic*

821.08 **Ford, J. L. & M. K.** *ed.* Every Day in the Year. Dodd net $1.60

2-26851 Nearly 800 poems, commemorative of holidays, stirring events, famous men and women, arranged by calendar. Useful reference book, though choice both of poems and events celebrated may provoke criticism.

822.8 *b* **Phillips, Stephen.** Ulysses: a Drama. Macmillan net $1.25

2-3432 A poem that may be read (except for the prologue) with unalloyed satisfaction, and a play that deserves to hold the stage. *Dial*

ESSAYS, HISTORY OF LITERATURE, ETC.

See also Juvenile, p. 222

808.3 *c* **Perry, Bliss.** Study of Prose Fiction. Houghton net $1.25

2-27719 Deals with novelist's materials and his use of them, plot, background, realism, romanticism, the short story, etc. Suggestions for study in appendix.

810.9 **Winslow, H. M.** Literary Boston of Today. (Little Pilgrimages Ser.) Page net $1.20

2-20654 Brief journalistic sketches of nearly 100 Boston authors. Special value for information about latest writers. Many portraits.

814.4 *c* **Warner, C: D.** Fashions in Literature. Dodd net $1.20

2-12969 Papers on the American newspaper, Nathan Hale, negro education, treatment of criminals, copyright and other social and literary interests.

814.4 **Washington, B. T.** Character Building. Doubleday net $1.50

2-17836 Discussion of such homely virtues and duties as cheerfulness, helpfulness, simplicity, earnestness, cleanliness, honesty, in application to everyday life. *Dial*

Addressed to students at Tuskegee.

814.41 *b* **Burroughs, John.** Literary Values and other Papers. Houghton net $1.10

2-30153 Magazine essays discussing style, criticism, art in literature, Gilbert White, Thoreau, Emerson, nature in literature, the secret of happiness, etc.

814.49 **Cox, *Mrs* Maria McIntosh.** "C" *pseud.* Home Thoughts. Ser. 1-2. Barnes net $1.20 each

2-17295 Living up to Wedding Presents, Mistress and Maid, Children as Our
2-15337 Judges, We have not married Angels, and other short papers on the promotion of happiness in family life. Reprinted from *N. Y. Evening Post.*

814.49 *a* **Howells, W: D.** Literature and Life. Harper net $2.25

2-24318 Short studies in gently humorous vein, of various human relations, summer pleasures, the short story, editors and contributors, Bernhardt's Hamlet, etc.

814.49 **Lee, G. S.** Lost Art of Reading. Putnam net $1.75

2-29271 Short papers, mainly contending against the prevailing spirit of business and hurry. They embody considerable humor and sound sense in language often perverse.

814.49 **Payne, W: M.** Editorial Echoes. McClurg net $1

2-8891 Literary criticism, comment on current educational interests and memorial sketches from the *Dial.*

814.49 **Seen** by the Spectator. Outlook Co. net $1

2-20173 Brief papers on New York's Chinatown, shoplifting, trolley car conversations, umbrellas, Uncle Sam's big guns, "Be not too tidy," etc. Reprinted from the *Outlook.*

820.9 **Moody, W: V. & Lovett, R. M.** History of English Literature. Scribner net $1.25

2-13608 For school use, but written with the literary grace and delicacy of phrase generally reserved for adult readers of critical essays.

821.83 *c* **Brooke, S. A:** Poetry of Robert Browning. Crowell net $1.50

2-24748 Critical essays on his attitude toward nature, human life, art, womanhood, love and other passions, with analysis of greater poems. Chapter comparing Tennyson and Browning.

HUMOR

817.49 **Dunne, F. P.** "Martin Dooley" *pseud.* Observations by Mr Dooley. Russell $1.50

2-29272 On books, the law's delays, Sherlock Holmes, protection of art, Prince Henry, King Edward's coronation, swearing, women's rights, Cuba and beet sugar, etc.

817.49 **Flower, Elliott.** Policeman Flynn. Century $1.50

2-6284* Sympathetic interpretation in Irish-American dialect of that much maligned public servant, the city policeman. *Dial*

817.49 **Wells, Carolyn.** A Phenomenal Fauna. Russell net $1.20

2-22425 Nonsense verses on the haycock, powder monkey, tree calf, round robin, Irish bull and other engaging creatures. Illustrated by Oliver Herford.

827 *c* —— *comp.* Nonsense Anthology. Scribner net $1.25

2-27711 Edward Lear, of course, Gilbert and Lewis Carroll figure promi nently, but hosts of others sit up worthily with these kings. *Nation*

DESCRIPTION AND TRAVEL

See also Juvenile, p. 222

913.385 **Gardner, E. A.** Ancient Athens. Macmillan net $5

2-29921 Archeologic details and theories clearly stated for cultivated readers without special training. Author formerly director of British school at Athens. Maps and about 200 illustrations.

914 **Belloc, Hilaire.** The Path to Rome. Longmans net $2

2-15369 Records and reflections of a light hearted, solitary foot pilgrim traveling from Lorraine over the Vosges, Jura, Alps and Apennines, to Rome. Many drawings.

914.2 **Barnard, F. P.** *ed.* Companion to English History. (Middle Ages) Oxford Univ. (Amer. branch) $2.90

2-16369 12 essays by specialists explaining the architecture, trade, life, learning and art of the times. 97 plates, bibliographies and glossary. Heartily commended both for main idea and execution. *Nation*

914.21 **Besant,** *Sir* **Walter & Mitton, G. E.** Fascination of London. v. 1-4. Macmillan 90c each

3-1005-8 Pocket volumes on Westminster, (1007) The Strand District, (1006) Hampstead, (1005) and Chelsea, (1008). Following streets, notable buildings are pointed out, and changes and historical and literary associations traced in readable narrative. Map and frontispiece.

914.21 *c* **Cook,** *Mrs* **E. T.** Highways and Byways in London. (Highways and Byways) Macmillan $2

3-7060 Gossipy volume about London life and interests, copiously illustrated by Hugh Thompson and F. L. Griggs.
As a friendly companion for provincials or Americans it is almost all that it could be. *Spectator*

914.3 **Schierbrand, Wolf von.** Germany: the Welding of a World Power. Doubleday net $2.40

2-28377 Popular chapters on social, political and commercial affairs, German colonies, the kaiser's personality, etc. Not of first importance to small library which owns Dawson's *German Life in Town and Country*, and Baker's *Seen in Germany*, though differing from them in many details.

914.361 **Lansdale, M. H.** Vienna and the Viennese. Coates net $2.40

2-23628 Based on Victor Tissot's book, but brought to date. Describes people, customs, life, historical associations. 25 photogravures of buildings and monuments.

914.49 **Janvier, T: A.** The Christmas Kalends of Provence and some other Provençal Festivals. Harper net $1.50

2-26523 Local Christmas customs, an excursion with the modern troubadours and the performance of *Oedipus* and *Antigone* in the old Roman theater at Orange.

914.5 *b* **Hooker, Katharine.** Wayfarers in Italy. Scribner net $3

2-16781 Sojournings in some smaller towns and villages, carriage drives, and personal experiences which illuminate the life of Florence and Venice, leaving out most guidebook facts. Many photographic illustrations of scenes not often represented.

914.5 **Villari, Luigi.** Italian Life in Town and C[illegible] .53
(Our European Neighbors) Putnam [illegible]

2-20785 Describes social, economic and political conditions, home li[illegible] state of religion, education, literature, art etc. More popular t[illegible] King & Okey's *Italy To-day*, which it supplements. Illustrated [illegible]

914.7 *c* **Norman, Henry.** All the Russias. Scribner [illegible] 7.9

2-22431 Aspects of contemporary Russia with special reference to [illegible] and commercial development and relations with Great Britain. G[illegible] ally favorable estimate of Russia.
Has not the permanent value of the works of Wallace and L[illegible] Beaulieu, but is indispensable to students of Russia at present [illegible] *Nation*

914.71 *c* **Frederiksen, N. C.** Finland, its Public and Pri[illegible] 99
Economy. Longmans [illegible]

2-13314 Government and business occupations of the people rather t[illegible] 361 private and social life. Serious study in fairly popular form.

914.95 *c* **Horton, George.** In Argolis. McClurg net $1.[illegible]

2-23625 A summer's primitive housekeeping and study of local life in P[illegible] near Athens. Interesting observation of superstitions and pagan [illegible] vivals in Christian garb.

915.1 **Morse, E: S.** Glimpses of China and Chinese Homes. Little net $1.50

2-23922 Buildings, furnishings, household and public methods of life, de[illegible] scribed, with clear drawings, by a trained observer. Originally pub[illegible] lished in *American Architect*.

916.4 **Meakin, Budgett.** The Moors. Macmillan net $5

2-12000 Detailed description of social and religious conditions and customs. 132 illustrations. His *Moorish Empire* (1899) dealt mainly with government and politics; *The Land of the Moors* (1901) with physical features, resources, cities etc.

917.3 **Hulbert, A. B.** Historic Highways of America. v. 1-2. A. H. Clark net $2 each

2-27730 v. 1, Paths of the Moundbuilding Indians and Great Game Animals;
2-27729 v. 2, Indian Thoroughfares. Plans are announced for 15 volumes and general index, devoted to early avenues of travel developed by natural means or human effort. Maps, few illustrations.

917.47 **Bacon, E. M.** Hudson River from Ocean to Source. Putnam net $4.50

2-29423 Treats of its history and legends from the Battery to Troy. Based on original records, some not hitherto published. Large sectional map and many illustrations.

917.471 **Singleton, Esther.** Social New York under the Georges, 1714-1776. Appleton net $5

2-28275 Describes social conditions of the prosperous class. Richly illustrated from photographs of silver, glass, furniture, apparel etc. owned by old families.

917.5 *b* **Page, W. H.** Rebuilding of Old Commonwealths. Doubleday net $1

2-16109 Stirring call to thought and action on vital matters, educational and social, in the South.

.53 **Wharton, A. H.** Social Life in the Early Republic. Lippincott net $3

Social doings and personal details about people socially prominent in the republican court from Washington's time to middle 19th century. Many reproductions of portraits and miniatures.

.9 **Dellenbaugh, F: S.** Romance of the Colorado River. Putnam net $3.50

Story of discovery in 1540 and later explorations, specially Major Powell's voyages through the Great Canyons. Profuse and valuable illustrations.

HISTORY OF FOREIGN COUNTRIES

9 **Helmolt, H. F.** *ed. & others.* History of the World. 8v. v. 1, Pre-history: America and the Pacific Ocean. v. 4, The Mediterranean Countries. Dodd $6 each

Translation of monumental cooperative work by over 30 German scholars. Treats of development of mankind, embracing geographic and anthropologic as well as historical facts. Introduction by James Bryce on object and value of history. Plates and maps.

938.5 **Butler, H. C.** Story of Athens. Century net $2.40

Life and art from earliest times to present, mainly as recorded in ancient literature and monuments. Maps, valuable line drawings and photographs. Author Princeton lecturer on architecture.

940.1 *c* **Barry, William.** Papal Monarchy, from St Gregory the Great to Boniface VIII (590-1303). Story of the Nations) Putnam net $1.35

Shows importance of papacy as central, supreme, acknowledged guardian of faith, learning, law and civilization, in bridging gap between ancient and modern civilization.

940.5 **Cambridge Modern History;** planned by the late Lord Acton; ed. by A. W. Ward, G. W. Prothero and Stanley Leathes. v. 1, The Renaissance. Macmillan net $3.75

History of world from 15th century in series of monographs by specialists, in related order but from various standpoints. Bibliographies. To be completed in 12 volumes. v. 1, consists of 19 monographs by E. J. Payne, J. B. Bury, Richard Garnett, Horatio Brown, Professor Tout, Professor Jebb, Dr Barry, H. C. Lea and other specialists.

942.9 *b* **Edwards, O. M.** Wales. (Story of the Nations) Putnam net $1.35

From Roman occupation to present. Author's understanding of his native race infuses spirit into a clear, compact summary. Illustrations and outline maps.

943 *a* **Henderson, E. F.** Short History of Germany. 2v. Macmillan net $4

Best work in English for period from 1517–1871. Earlier history briefly and less successfully treated. Shows keen appreciation of dramatic situations. Excellent chronologic tables; eight good maps.

951 *c* **Viaud, L: M. J.** "Pierre Loti" *pseud.* Last Days of Pekin. Little net $1.75

Valuable as a contribution to current history by an observer possessing sympathy, imagination and knowledge, as well as the literary sense.

962.1 **Poole, S. L.** Story of Cairo. (Mediaeval Towns) Macmillan $2

2-15622 As charming as it is thorough. As an authority on the art, architecture and history of medieval Egypt, he has no English-speaking rival. *Nation*
Map and carefully chosen illustrations.

968.2 *b* **Wet, C. R. de.** Three Years' War. Scribner net $2.50

2-28750* Terse, manful relation of his own share in the fighting, with little that is unfair, and nothing of rancor. *Bookman*

AMERICAN HISTORY

See also Juvenile, p. 222

973 **Bourne, E: G.** Essays in Historical Criticism. (Yale Bicentennial Pub.) Scribner net $2

1-24673 Specially valuable for masterly analysis and destructive criticism of Marcus Whitman legend. 12 other essays on the Federalist, Prince Henry the Navigator, Parkman etc.

973 **Brady, C. T.** Border Fights and Fighters. McClure net $1.30

2-23103 Events in which John Sevier, Daniel Boone, Henry Bouquet, George Rogers Clark, Sam Houston, David Crockett, Andrew Jackson, William Henry Harrison, and others participated.

973 *c* **Fiske, John.** Essays Historical and Literary. 2v. Macmillan net $4

2-25499 Lectures, magazine and cyclopedia articles, etc. collected since author's death. v. 1, Governor Hutchinson, Charles Lee, Alexander Hamilton, Jefferson, Madison, Jackson, Harrison, Tyler, Webster. v. 2, Fall of New France, Evolution and the Present Age, Milton, Huxley, Spencer, Tyndall, Koshchei the Deathless, etc.

973 **Hale, E: E.** Memories of a Hundred Years. 2v. Macmillan net $5

2-27220 Drawn from a store of family documents and traditions as well as his own long memory. Discursive, often inexact and biased, they have the charm of personality.

973 *c* **Hart, A. B.** *& others.* Source Readers in American History. Macmillan

2-17870 v. 1, Colonial Children, net 40c
2-24258 v. 2, Camps and Firesides of the Revolution, net 50c
2-27722 v. 3, How our Grandfathers Lived, net 60c
Extracts, illustrating early life and conditions, mainly from contemporary records, modernized for children. Well selected pictures.

973 *c* **McClure, A. K.** Colonel Alexander K. McClure's Recollections of Half a Century. Salem Press Co. $3

2-25939 Genial, related with ease and particularly interesting to those who remember the historic and political events on which valuable sidelight is thrown.

973 **Wilson, T: W.** History of the American People. 5v. Harper net $17.50

2-25622 Broad outline of events from discovery to present. Comment and opinion preponderate over fact, and keen judgments and illuminating comments abound. Large type, wide margins and nearly 800 illustrations swell to five volumes, though but two thirds the length of Green's *Short History of the English People.*

973.2 *a* **Fiske, John.** New France and New England. Houghton net $1.65

2-22288 Fills remaining gap in his American history series from discovery to 1789. Treats Canadian development, Salem witchcraft, Norridgewock and Louisburg, the French and Indian War.

973.3 **Fisher, S. G:** True History of the American Revolution. Lippincott net $2

2-27223 His effort to reveal suppressed facts or correct errors results in want of proportion and perspective.

973.81 *c* **Burgess, J: W.** Reconstruction and the Constitution, 1866-1876. (American History Ser.) Scribner net $1

2-8895 Detailed discussion of reconstruction measures, from point of view of believer in extreme national theory of constitution. Sixth of series.

974.71 *b* **Innes, J. H.** New Amsterdam and its People. Scribner net $2.50

2-25626 Traces through original sources the history and associations of New York streets and buildings from beginning to early English rule.

976.3 *b* **Hosmer, J. K.** History of the Louisiana Purchase. Appleton net $1.20

2-12717 Popular, for young and unscholarly readers, but based on research specially among French sources. Maintains that transfer was Napoleon's measure rather than Jefferson's.

BIOGRAPHY

Adam, *Mme* **Edmond** (Juliette Lamber). Romance of my Childhood and Youth. Appleton net $1.40

2-29268 Methods of romantic fiction here applied to autobiography of a prominent Frenchwoman produce an entertaining record of her precocious and turbulent life to marriage at 15.

Arnold. **Paul, H. W.** Matthew Arnold. (Eng. Men of Letters) Macmillan net 75c

2-20049 Brief, generally trustworthy, if not highly sympathetic summing up of his work as poet and critic, but by no means the final word.

Bonnell, H: H. Charlotte Brontë, George Eliot, Jane Austen: Studies in their Works. Longmans net $2

2-26861 Painstaking, appreciative, and rich in illustrative quotations.

c **Caffin, C: H.** American Masters of Painting. Doubleday net $1.25

2-10816 2-25617 Critical appreciations of Inness, LaFarge, Whistler, Sargent, Winslow Homer, Abbey, George Fuller, Homer Martin, Brush, Wyant, Tryon, Horatio Walker, Gilbert Stuart. Illustrated ed. net $3.

Champlain. **Sedgwick, H: D. jr.** Samuel de Champlain. (Riverside Biog. Ser.) Houghton net 65c

2-10027 Short readable biography of the French explorer of Canada.

Charles 5. **Armstrong, Edward.** The Emperor Charles 5. 2v. Macmillan net $7

3-1337 Stands practically alone, the successor of Robertson's work. Striking, often epigrammatic in style, it represents thorough research.

Cuyler, T. L. Recollections of a Long Life.
Baker & T. net $1.50

2-22199 The venerable Brooklyn pastor's reminiscences are largely of famous people, including Carlyle, Gladstone, Lincoln, Greeley, Dean Stanley, Spurgeon and others.

c Eliot. **Stephen, Leslie.** George Eliot. (Eng. Men of Letters) Macmillan net 75c

2-5043 He has used admirable judgment in dealing with the life of the novelist, and his study of her work is both judicial and illuminating.

Frothingham, J. P. Sea Fighters from Drake to Farragut. Scribner net $1.20

2-22871 Stirring events in the naval careers of Drake, Tromp, De Ruyter, Tourville, Suffren, Paul Jones, Nelson and Farragut. Will interest boys.

c Hawthorne. **Woodberry, G: E:** Nathaniel Hawthorne. (Amer. Men of Letters)
Houghton net $1.10

2-22284 Readable and valuable, admirably arranged and infused with a critical spirit, which seems rather severe as regards the man, and clear, firm yet not dogmatic as regards his work. *Nation*

Kruger, Paul. Memoirs of Paul Kruger.
Century net $3.50

2-29269 From boyhood through four terms as president, to exile in old age. Appendix contains speeches and proclamations since May 1898.

c Longfellow. **Higginson, T: W.** Henry Wadsworth Longfellow. (Amer. Men of Letters)
Houghton net $1.10

2-23430 Rich in personal recollections and knowledge of Longfellow's Cambridge environment. Makes the poet more real than the somewhat impersonal biography by Samuel Longfellow.

b Marquette. **Thwaites, R. G.** Father Marquette. (Appleton's Life Histories) Appleton net $1

2-16764 Popular. Author thoroughly familiar with facts concerning Jesuit hero's services as missionary and explorer of the Mississippi.

b **Mason, D. G.** From Grieg to Brahms.
Outlook Co. net $1.50

2-27737 Studies of the personalities and art of Grieg, Dvorak, Saint Saëns, Franck, Tschaikowsky and Brahms.

Morris, William. **Cary, E. L.** William Morris, Poet, Craftsman, Socialist. Putnam net $3.50

2-26508 Clear, general outline of his busy, many sided career. Sumptuously illustrated with portraits, wall paper, tapestry and furniture designs, Kelmscott types, press marks, etc. Bibliography. For details and personal life see Mackail's authorized and highly satisfactory *Life*, Longmans, original ed. net $7.50; cheaper ed. net $3.60. For fuller and still more elegant representation of his work see Vallance's *William Morris*, Macmillan $10.

c Napoléon 1. **Rose, J: H.** Life of Napoleon 1. 2v. Macmillan net $4

2-27735 Mainly public career, and diplomatic and governmental rather than military history. Contributes new material from British records. Maps and illustrations from old pictures.
Distinctly readable, sane yet full of admiration for the genius of his hero, scientific yet entertaining. *Dial*
Likely to become the authority for English readers. *Athenaeum*

Oman, C: W: C. Seven Roman Statesmen of the Later Republic. Longmans $1.60

The Gracchi, Sulla, Crassus, Cato, Pompey, Caesar.
Makes a trite subject not only interesting, but often new, by his insight, his lively style and the independence of his judgments. *Athenaeum*

Turner. **Chignell, Robert.** J. M. W. Turner. (Makers of British Art) Scribner net $1.25

3-16259 Examination and appreciation of his work, and effort to secure kinder estimate of his character. 20 reproductions from engravings; lists of pictures, bibliography.

Webster. **McMaster, J: B.** Daniel Webster. Century net $2

2-22686 After boyhood limited to events of public life, narrated without critical estimate.

a Whittier. **Higginson, T: W.** John Greenleaf Whittier. (Eng. Men of Letters) Macmillan net 75c

2-26525 Well proportioned study by a friend of 40 years standing. Excellent substitute when Pickard's full, authorized life can not be afforded.

FICTION

See also Juvenile, p. 222

c **Aldrich, T: B.** A Sea Turn, and other Matters. Houghton $1.25

2-21986 Contains also Shaw's Folly; The Case of Thomas Phipps; The White Feather; An Untold Story; His Grace the Duke.

Banks, N. H. Oldfield: a Kentucky Tale of the Last Century. Macmillan $1.50

2-25925 Oldfield is a Kentucky Cranford before the war.

Barlow, Jane. At the Back of Beyond. Dodd $1.50

2-11893 A dozen Irish stories, mainly of peasantry.

Barrie, J. M. Little White Bird. Scribner $1.50

2-25760 Fanciful story of a little boy and an old soldier who discovered fairyland in Kensington Gardens.
Published in *Scribner*.

Carmichael, Montgomery. Life of John William Walshe, F. S. A. Dutton net $2

3-16353 Marvelously delicate psychologic study of the temperament of a Roman catholic mystic. Not attractive to ordinary novel reader.

Chambers, R. W. Maid-at-arms. Harper $1.50

2-22844 Central New York in Revolutionary times. Some characters from *Cardigan* reappear.

b **Connolly, J. B.** Out of Gloucester. Scribner $1.50

2-24475 Spirited sea stories told mainly by Gloucester fishermen.

Cotes, *Mrs* S. J. (Duncan). Those Delightful Americans. Appleton $1.50

2-14852 An English couple's adventures among hospitable Americans, involving two love stories. Lively portrayal of differences in national manners and points of view.

Couch, A. T: Quiller-. "Q" *pseud.* The Westcotes. (Griffin Ser.) Coates $1

2-2766 Plot based on social intercourse between French prisoners of war and English gentry in Devonshire during Napoleonic wars. Subtlety and charm distinguish the pathetic comedy.

Crawford, F. M. Cecilia. Macmillan $1.50

2-25439 Relations of a modern Roman heroine and hero each strangely conscious of a former life in pagan days.

b **Cutting, M. S.** Little Stories of Married Life. McClure $1.25

2-23089 Episodes in lives of normal minded people in every day relations.

a **Daskam, J. D.** Madness of Philip, and other Tales of Childhood. McClure $1.50

2-7299 Other stories: A Study in Piracy; Bobbert's Merry Christmas; The Heart of a Child; Ardelia in Arcady; Edgar, the Choir Boy Uncelestial; The Little God and Dickey.
For grown people. First story an amusing and suggestive satire on certain kindergarten methods.

Davis, R: H. Ranson's Folly. Scribner $1.50

2-17864 Contains also, The Bar Sinister; A Derelict; La lettre d'amour; In the Fog.

c **Dix, B. M. & Harper, C. A.** The Beau's Comedy. Harper $1.50

2-8859 Eighteenth century tale of a London youth mistaken for a French spy and unwillingly detained among Massachusetts country folk.

c **Doyle, A. C.** Hound of the Baskervilles. McClure $1.25

2-9442 Thrilling tale of murder accomplished and murder attempted, with our old friend Sherlock Holmes revealing and confounding villany.

Foote, *Mrs* M. H. The Desert and the Sown. Houghton $1.50

2-13147 Study of effects on themselves and their children of the accidental separation of a husband and wife in early married life. Scenes, western army post and Hudson river valley.

Foster, M. G. Heart of the Doctor. Houghton $1.50

2-21980 Scene a Boston dispensary in Italian quarter.

a **Garland, Hamlin.** Captain of the Gray-horse Troop. Harper $1.50

2-9343 Love and adventure on an Indian reservation. Hero, a cavalry officer, who succeeds a corrupt agent.
An impressive appeal for the Indian. *Dial*

a **Glasgow, Ellen.** The Battleground. Doubleday $1.50

2-8861 Virginia love story of Civil War period, written with insight and humor, from southern standpoint but entirely without bitterness.

Hall, Ruth. A Downrenter's Son. Houghton $1.50

2-21581 Love affairs among young people of Hudson river farms in time of 'antirent war," 1846.

c **Harland, Henry** "Sidney Luska" *pseud.* The Lady Paramount. Lane $1.50

2-11151 Dainty love comedy, alternating between England and Italy. Modern in setting but romantic in spirit, it is the antithesis of realism.

Harris, J. C. "Uncle Remus" *pseud.* Making of a Statesman and other Stories. McClure $1.25

2-9441 Contains also, A Child of Christmas; Flingin' Jim and his Fool-killer; Miss Puss's Parasol.

Harte, F. B. Condensed Novels. 2d ser. Houghton $1.25

2-23598 Burlesques of Anthony Hope, Conan Doyle, Hall Caine, Edward Westcott, Rudyard Kipling, Marie Corelli and the modern archaic tale.

Henry, Arthur. An Island Cabin. McClure $1.50

2-9448 Annals of a summer of primitive living on a tiny unclaimed island off the Connecticut coast.

Hinkson, *Mrs* **K. T.** (Katharine Tynan). The Golden Lily. Benziger 40c

Simple story of Mary Tudor's time, told in first person by a devout catholic, an artist in metal work.

Hornung, E. W. Shadow of the Rope. Scribner $1.50

2-21095 Ingenious and exciting story of a crime and its detection. Appeared in *Munsey's Magazine* under title *Shadow of the Law.*

c **Howells, W: D.** The Kentons. Harper $1.50

2-11891 Vicissitudes of an excellent commonplace Ohio family during a European trip undertaken to divert the eldest daughter from an undesirable match.

Johnston, Mary. Audrey. Houghton $1.50

2-4948 Virginia romance, with highly dramatic and tragic elements. Historical setting, early 18th century.

King, M. E. Bread and Wine. Houghton $1.25

2-13398 Swiss pastoral of married love and temporary estrangement. Fine in tone and written with skilful simplicity.

b **Martin, G: M.** Emmy Lou: her Book and Heart. McClure $1.50

2-27731 School days of a bewildered and very real little girl. Incidentally satirizes some school methods and manners. Interesting to adults mainly.

c **Mason, A. E: W.** Four Feathers. Macmillan $1.50

2-25599 Painful story, worked out with power and beauty, of the restoration of a brave man who in morbid fear of showing cowardice, becomes coward in eyes of friends.

Mason, C. A. The Little Green God. Revell 75c

2-18093 Short story portraying rather graphically the impression made on a returned missionary by a society craze over Indian religions.

Morrison, Arthur. The Hole in the Wall. McClure $1.50

2-21578 Tale of Ratcliff Highway and Wapping in days when they were the terror of the police. Autobiographic form.

b **Ollivant, Alfred.** Danny. Doubleday $1.50

2-25926 Dog story, liked enthusiastically by many but too full of heartbreak to be recommended indiscriminately. Considerably enlarged since published as serial.

Payne, Will. On Fortune's Road. McClurg $1.50

2-22306 In the Panic; A Day in Wheat; The Plant at High Grove; The Chairman's Politics; The Lame Boy; The Salt Crowd's Trade; The End of the Deal.

Photographic in fidelity to city life, his work is literary in its suggestiveness and reserve. *Dial*

Peck, S: M. Alabama Sketches. McClurg $1

2-7627 Church squabbles, personal idiosyncrasies, local politics, negro humor, Civil War echoes, etc. Excellent to read aloud.

These tales, though slight, have positive charm. *Dial*

b **Roberts, C: G: D.** Barbara Ladd. Page $1.50

2-24321 Love story of Connecticut gentlefolk, patriots and loyalists, at outbreak of Revolution. Shows strong feeling for nature.

b **Scott, H. S.** "Henry Seton Merriman" *pseud.* The Vultures. Harper $1.50

2-20814 Love and political intrigue in Warsaw immediately before assassination of Alexander 2.

Clean, wholesome and sincere. *Spectator*

Seawell, M. E. Francezka. Bowen-Merrill $1.50

2-24931 The military exploits of Marshal Saxe are the background of a love story leading to inevitable tragedy.

Slosson, *Mrs* **A. T.** Aunt Abby's Neighbors. Revell $1

2-20390 Monologues of an old woman, a practical Christian of much kindly wisdom and quiet humor, on sects, charity, friendship etc.

a **Smith, F. H.** Fortunes of Oliver Horn. Scribner $1.50

2-20817 Affectionate study of southern society at outbreak of Civil War and of art student's life in New York about 1860.

a **Stuart,** *Mrs* **R. McE.** Napoleon Jackson. Century $1

2-22482 Comedy of love and idleness in which a colored heroine maintains her right to support a husband in luxury.

Tarkington, Booth. The Two Vanrevels. McClure $1.50

2-22845 Love story of Mexican War period told in terms of delicate, old-fashioned sentiment. Artificial in scheme, based on impossible complications, but holds interest.

Van Dyke, H: J. The Blue Flower. Scribner $1.50

2-25606 Other stories: The Source; The Mill; Spy Rock; Wood Magic; The Other Wise Man; A Handful of Clay; The Lost Word; The First Christmas Tree.

Webster, H: K. Roger Drake, Captain of Industry. Macmillan $1.50

2-25600 Hero tells story of mining ventures, rivalry in love and business and formation of great copper combine.

b **Wharton, Edith.** Valley of Decision 2v. Scribner $2

2-6076 As a study of Italian society on the verge of the French Revolution, deeply interesting; as a study of temperament, sympathetic and judicial. *Saturday Review*

White, S. E: The Blazed Trail. McClure $1.50

2-7561 A young lumberman's struggle with a powerful and unscrupulous firm. Realistic descriptions of life in Michigan logging camp.

c **Willard, J. F.** "Josiah Flynt" *pseud.* The Little Brother: a Story of Tramp Life. Century $1.50

2-8863 Founded on actual knowledge of practical sociology and well worth reading by parents and guardians of restless, but not vicious, children. *Critic*

a **Wister, Owen.** The Virginian. Macmillan $1.50

2-14431 Capital study of the best type of western cowboy, intrepid, level headed, rough living but right hearted and deserving a good woman's love.

Wright, M. T. Aliens. Scribner net $1.50

2-8242 Cotton belt story. Shows how little reconstruction has reconstructed and how worse than useless are many attempts to foist northern ideas on southerners of either color. *Nation*

JUVENILE BOOKS

220.52 **Bible for Children.** Century $3

2-2733 Selected and arranged without mutilation of King James text by Mrs Joseph B. Gilder. Handsomely printed quarto, lying open easily; 24 plates from famous paintings. The excellent prefaces are hardly appropriate in a book for children.

290 **Price, L. L. & Gilbert, C: B.** Heroes of Myth. (Stories of Heroes) Silver 50c

2-23757 Tales of Egyptian, Chinese, Indian, Persian, Japanese, Greek, Scandanavian, German and Russian mythical heroes.

293 **Brown, A. F.** In the Days of Giants. Houghton net $1.15

2-12213 Stories from Norse mythology retold for children.

398.2 *c* **Lang, Andrew,** *ed.* Book of Romance. Longmans net $1.60

2-23761 Tales of King Arthur, Roland, Robin Hood, Grettir the Strong, etc. told, except one, by Mrs Lang. Illustrations in black and white and color by J. L. Ford.

590 **Jordan, D: S.** *comp.* True Tales of Birds and Beasts. (Heath's Home and School Classics) Heath 40c

2-14024 Animal stories "true and also good for children to read," by Thoreau, Irving, Joaquin Miller, and others. Excellent print and illustration.

Mason, C. A. The Little

2-18093 Short story portraying rather
returned missionary by a society

Morrison, Arthur. The

2-21578 Tale of Ratcliff Highway
terror of the police. Autob

b **Ollivant, Alfred.**

2-25926 Dog story, liked enthus
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2-22306 In the Panic; A
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2-7627 Church squab
Civil War echo
These tales,

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2-24321 Love stor
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b **Scot**

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2-22482

2-22845

2-2560

Girl Can Make and
Scribner net $1.50
ster and Christmas
weaving, rugs, tablea
ap devices for entertainm
Companion to *A*

Smith) & Smith, N. A.
a Book of Verse for Youth.
McClure net $2.50
election from standard poets, with
ung readers. Author and title indexes.

cketful of Posies.
Houghton net $1
antastic ideas presented in verses which chil-
glosses in red engage attention. Well illus-

ck for Little People.
Outlook Co. net $1.20
ries and verses by many writers, reprinted from
delightful pictures.

(Youth's Companion Ser.)
Ginn 30c
y various contributors, of life in many lands.
Companion. This volume about children.
ern Europe, southern countries, etc.

Indian Boyhood. McClure net $1.60
sh training, playmates, games, hunting, forest
ce, feasts, story-telling etc.

Indian Legends. Ginn 50c
en from the lips of Dakota Indians and simply

Our Country's Story. Houghton 65c
Style has unusual life and appeal to child's
resting illustration.

JUVENILE FICTION

Behind the Line. Appleton net $1.20
small New England college.

Barnaby Lee. Century $1.50
pirates and in New Amsterdam at period of
Local color carefully studied. Among charac-
and Governor Calvert of Maryland.

[redacted]se, J. A. Mayken: a Child's Story of the Nether-[redacted]lands in the 16th Century, McClurg net $1.20

[redacted]ntures at court and during siege of Leyden, of little daughter of [redacted]m of Orange. Main characters historical.

[redacted] Connolly, J. B. Jeb Hutton; the Story of a Georgia Boy. Scribner net $1.20

Adventures on a government dredge on the Savannah river, and development of a fine friendship between two young men.

Crothers, S: McC. Miss Muffet's Christmas Party. Houghton net $1

2-26753 Her guests are book friends: Alice, the Cheshire cat, Little Bo-Peep Aladdin, Rollo etc. Children may sometimes miss the point of bright characterizations, but will enjoy the party.

Dix, B. M. A Little Captive Lad. Macmillan $1.50

2-23906 Cavalier's child, adopted by his Roundhead half brother. Very well studied and written. Perhaps oversomber for children, though ending happily.

c Earle, M. T. The Flag on the Hill-top. Houghton net 90c

2-22172 Well told story of a boy's endeavor to be loyal both to his southern sympathies and his unionist guardian during War of Rebellion.

French, Allen. Sir Marrok: a Tale of the Days of King Arthur. (St Nicholas Books) Century net $1

2-22659 Warfare of good against evil in tale of knightly valor and sorcery overcome.

Gates, Eleanor. Biography of a Prairie Girl. Century $1.50

2-23907 Graphic picture of child life on a Dakota farm. Its adventures should attract children but its artificial form by which names and conversations are almost excluded may repel.

a Gordon, C: W: "Ralph Connor" *pseud.* Glengarry School Days. Revell $1.25

2-28287 Connected stories of school interests, pranks, outdoor expeditions, etc. on the Canadian frontier.

Greene, Homer. Pickett's Gap. Macmillan net $1.25

2-25048 Story of two railways fighting for control of a mountain pass owned by the boy hero's grandfather.

c Hopkins, W: J. The Sandman: His Farm Stories. Page net $1.20

2-20816 For young children. Notable for simplicity and skilful recognition of child's love of details.

Howells, W: D. Flight of Pony Baker. Harper net $1.25

2-23296 Delightful to adults in its humorous photography of boy's mind. Much more interesting to boys than *A Boy's Town*.

c **Kipling, Rudyard.** Just So Stories.
Doubleday net $1.20

2-23595 Surprising tales of the origins of things familiar told with repetitions dear to childhood. Illustrated by author.

a **London, Jack.** Cruise of the Dazzler. (St Nicholas Books) Century net $1

2-22486 School trials, street fighting, San Francisco harbor pirates and shipwreck furnish excitement in a wholesome and well written boy's story.

Ray, A. C. Nathalie's Chum. Little net $1.20

2-22661 Has characteristics of her earlier stories—high ideals and brighter conversation but not greater probability than average girls book.

Smith, N. A. Three Little Marys. Houghton net 85c

2-23087 Scotch Mairi, English Molly and Irish Maureen Bawn are the heroines of three pretty stories.

c **True, J: P.** On Guard! Against Tory and Tarleton. (The Stuart Schuyler Stories) Little net $1.20

2-22662 Major Stuart Schuyler's adventures during Greene's retreat through the Carolinas. Follows *Morgan's Men*. Good characterization.

COMPARATIVE TABLE OF BOOKS PUBLISHED IN 1902

These statistics are based on lists prepared according to varying classifications and methods. The figures should therefore be regarded as only approximate. See paper on Relative Book Production by Dr E. C. Richardson in *Publisher's Weekly*, 57 805, and abstract in *Public Libraries*, 5:192.

1902	United States	Great Britain	France	Italy
Religion and philosophy	742	648	.....	412
Sociology	271	593	.....	543
Law	640	134	.....	393
Education	629	*a*572	.....	*a*1 095
Science, useful arts, fine arts	895	464	.....	1 063
Medicine and hygiene	299	237	.....	634
Literature	547	271	.....	215
Poetry and drama	399	348	.....	445
Fiction and juvenile	2 311	2 470	.....	281
History, biography, travel	989	737	.....	706
Miscellaneous	61	907	.....	333
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a Includes philology.

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MELVIL DEWEY Director

Bulletin 90

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DIGEST OF GOVERNORS MESSAGES 1904

INCLUDING RELATED TOPICS IN THE PRESIDENT'S MESSAGE

Ap. 1, 1903 to Oct. 1, 1904

EDITED BY

Robert H. Whitten *Sociology Librarian*

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State Library Albany N. Y. Oct. 18, 1904

Hon. A. S. Draper
Commissioner of Education

DEAR SIR: The annual Digest of Governors Messages, the third of its series, is transmitted herewith and recommended for publication.

As a contribution to better organization of material for comparative study of state government and laws the State Library now issues three annual bulletins: Digest of Governors Messages, Summary and Index of Legislation, and Review of Legislation.

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MELVIL DEWEY
Director

State of New York
Education Department
COMMISSIONER'S ROOM

Approved for publication

A. S. Draper

Commissioner of Education

Oct. 25, 1904

EXPLANATIONS

Scope. The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the president's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

Method. The attempt is made to include all definite recommendations concerning legislation made by the governors in the messages. Leading sentences or paragraphs are taken to show all important recommendations. These excerpts are alphabeted by state under each topic. A mere index entry is given at the beginning of each topic for recommendations of minor interest and for general or miscellaneous remarks or comment. A great many of these index entries will be found under each important subject such as Labor, Agriculture, Schools etc. In most cases when coming under these very general heads they stand for a few very general comments or a number of miscellaneous facts or statistics.

Citations. The citations give state, governor, day, month and year of message, and inclusive paging. The abbreviations used are given below. Many special messages are received in manuscript form and no page reference can be given.

Classification. The classification of the digest is the same as that used in the Summary and Index of Legislation and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there are no recommendations this subject number is skipped.

ABBREVIATIONS

Months

January	Ap	April	Jl	July	O	October
February	My	May	Ag	August	N	November
March	Je	June	S	September	D	December

States and territories

.	Alabama	Neb.	Nebraska
.	Arizona	Nev.	Nevada
:.	Arkansas	N. C.	North Carolina
.	California	N. D.	North Dakota
.	Colorado	N. H.	New Hampshire
	Connecticut	N. J.	New Jersey
.	Delaware	N. M.	New Mexico
.	Florida	N. Y.	New York
	Georgia	O.	Ohio
	Iowa	Okl.	Oklahoma
	Idaho	Or.	Oregon
	Illinois	Pa.	Pennsylvania
.	Indiana	R. I.	Rhode Island
ı.	Kansas	S. C.	South Carolina
	Kentucky	S. D.	South Dakota
	Louisiana	Tenn.	Tennessee
;s.	Massachusetts	Tex.	Texas
	Maryland	U.	Utah
	Maine	Va.	Virginia
h.	Michigan	Vt.	Vermont
n.	Minnesota	W. Va.	West Virginia
s.	Mississippi	Wash.	Washington
	Missouri	Wis.	Wisconsin
ı.	Montana	Wy.	Wyoming

MESSAGES INCLUDED IN THE DIGEST

Period covered, Ap. 1, 1903 to Oct. 1, 1904. In many states when there is a change of governors a message or address is sent or delivered to the Legislature by both the outgoing and incoming governor. In the following where messages by different governors are listed for the same or very near dates, the first is the message of the outgoing governor and the second that of the incoming.

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Kentucky	J. C. W. Beckham	5 Ja 04	17	
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		10 Je 04		Oyster industry
		10 Je 04		Judicial department
		24 Je 04		St Louis Exposition
		25 Je 04		Terms of courts of appeals
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Wisconsin	Robert M. LaFollette	23 Ap 03		Evasion of gross receipts tax on railroads
		28 Ap 03	183	State regulation of railroads
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		11 My 03		Appropriations
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New York State Education Department

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Bulletin 90

LEGISLATION 23

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DIGEST OF GOVERNORS MESSAGES 1904

INCLUDING RELATED TOPICS IN THE PRESIDENT'S MESSAGE

Ap. 1, 1903 to Oct. 1, 1904

EDITED BY

Robert H. Whitten, *Sociology Librarian*

LAW (GENERAL)

Statutes

See also 88, Special laws

Uniform laws

Fla. Jennings. " . . . I recommend that an appropriation be made commensurate to the duties devolving upon the commissioners [for the promotion of uniformity in legislation] covering their expenses and incidentals." 7 Ap 03, p.60-61

Comparative legislation

Mass. Bates. "More than two scores of states are constantly seeking solutions to the complex questions of self-government which in this busy, active age are ever being presented in new and important forms. No two states are alike; to none are the problems exactly the same. Yet one has often profited much from the experience of another, and it has been recognized by students of political affairs that among all the states of the Union there is none that has been more often in the lead in constructive legislation than Massachusetts. This has been true because her magistrates and representatives have never been satisfied that conditions could not be bettered. Whenever advancement has been made, they have always had before them ideals still to be attained. Always have they had lofty conceptions, beckoning them to further achievement. . . " 7 Ja 04, p.3-4

15 # CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

17 ## Boundary. Jurisdiction

a La. Heard, 9 My 04, p.30. Md. Smith, Pennsylvania and Delaware boundary lines, 6 Ja 04, p.21-22. U. S. Roosevelt, Alaskan boundary, 7 D 03, p.10-12.

19 ## Statistics

See also 938, Vital statistics; 1832, Agriculture

20 ### Bureaus of statistics

See also 2041, Labor

a Ia. Cummins. ". . . I . . . recommend that the commissioner of the Bureau of Labor Statistics be authorized to cooperate with the National Census Department in certain matters relating to manufactures. . . " 12 Ja 04, p.18

21 ### Census

See also 2274, School census

a Ia. Cummins. ". . . the Constitution requires the General Assembly to cause an enumeration to be made of all the inhabitants of the state in 1905. . . The Code of 1897 repealed former regulations respecting the taking of the census, and limits the work to the ascertainment of the number of males, females, persons entitled to vote, and the number of the militia. . . The census to be taken next year should be a complete compendium of all the knowledge that the most modern view demands for such a work. I therefore recommend that the statute be so amended and that such an appropriation be made as will enable the proper officers to issue a census report, adequate in its scope, and complete in its detail." 12 Ja 04, p.17-18

b Mass. Bates. "The law requires that a decennial census of the voters, population and industries of the state be taken in the year 1905. While the Bureau of Statistics of Labor is charged with this duty, new legislation will be required in order to enable the bureau to obtain the best results. . ." 7 Ja 04, p.21

c N. Y. Odell. "By the terms of the Constitution, article 3, paragraph 4, an enumeration of the inhabitants of the state is to be taken under the direction of the secretary of state in the months of May and June, 1905. . ." 6 Ja 04, p.37

30 Constitutions

32 Revision

a **R. I.** Garvin. Calling of a constitutional convention recommended. 5 Ja 04, p.13

b **Va.** Montague. "The new Constitution saliently declares for: (1) a new electorate, imposing honest elections and an honest discharge of public duties; (2) simplification and unification in the administration of justice; (3) new sources of taxation with a more just distribution of its burdens, together with the regulation of semipublic agencies; (4) and a broader base for free public education." 13 Ja 04, p.3

33 Amendment

a **R. I.** Garvin. "For several years an amendment to the Constitution, so drawn as to confer upon 5000 voters the power to propose future constitutional amendments, has been before the General Assembly. Two years ago the passage of that amendment was petitioned for by 28 organizations in the state, including labor, reform, and religious bodies, representing many thousands of citizens. Upon these petitions no action whatever was taken. . . Certainly no one who has faith in a government by the people can logically object to the constitutional initiative." 5 Ja 04, p.6-7

b **R. I.** Garvin. "The primary object of this [extra] session is to enable this General Assembly, at this juncture, to review again and to determine finally whether it will or will not at the coming November election submit to the people certain proposed amendments to the Constitution in which they are vitally interested. . ." 13 S 04, p.3

c **R. I.** Garvin. Constitutional initiative recommended. 13 S 04, p.4-5

38 State departments

See also 753, Officers; *also* under Finance, Public health, Charities, Education, etc.

40 Governor

See also 782, Executive mansion; 852, Governor's contingent fund

a **O. Nash.** "The governor, by virtue of his office, is a member of the board of trustees for the Ohio University at Athens. In my

judgment, it is bad policy to have the governor of the state act with other gentlemen as trustees of any of the state institutions. . ." 4 Ja 04, p.12

45 **Veto**

a **O. Herrick.** "For the first time in the history of Ohio, by the vote of the people at the last election, the Constitution was so amended as to confer the veto power upon the governor. . ." 11 Ja 04, p.4

b **R. I. Garvin.** Modified veto power for the governor recommended. 5 Ja 04, p.13

c **R. I. Garvin.** "If there is any one opinion connected with the state government upon which the voters of this state are in agreement, it is the veto power. . . This proposition, in the exact form in which it was drawn by the commission to revise the Constitution, is now pending before the Senate. It provides that the governor's veto may be overridden by a majority of all the members elected to each house. . ." 13 S 04, p.7

46 **Appointments**

a **La. Blanchard.** "Much has been said in the public press and among the people throughout the state, and by the speakers in the campaign preceding the primary election on the subject of the reduction of the appointive power of the chief executive office by relegating to the people the filling by popular vote of offices under the state government that are now filled by appointment of the governor. . . I recommend that action on this line be taken. Two places, the occupants of which form part of the force of the general state government, to wit: the register of the land office and the commissioner of agriculture, are named by many as positions that should be filled by election. . . So, too, a large portion of the people think assessors and parish school board members should be elected. . . I recommend that a special joint committee of the two houses be appointed to deal with the question, and also to inquire into and ascertain if it be true, as has been charged, that useless offices, or sinecures exist under the state government or those of the parishes, or under any of the boards created by statute. . ." 16 My 04, p.10-11

b **Mass.** Bates. ". . . A completely harmonious system can not be expected where heads of departments are elected separately, and are in no wise responsible to, but, on the contrary, are independent of, both the governor and each other. . . Were we to contrast the state with the national system, with the experience of the federal government before us, we should unquestionably favor the national system, where responsibility is fixed in the president, and where that responsibility is made possible by giving to him

the power of appointing the heads of the chief departments of state. A year's experience convinces me that there have been other restrictions placed upon the executive, which not only were not demanded by the Constitution, but are probably inconsistent with it. . . The legislation to which I refer requires the governor, elected for one year, to appoint men to do executive work, whose term of office may be three years, five years or eight years. Thus the governor in fact projects his influence through a much longer period than that for which he was elected, and at the same time limits the executive power of the one who succeeds him. . . I believe it would have been better, would have resulted in more uniformity, would have in some cases been less expensive because preventing the multiplication of unnecessary offices and clerks, and would have been more in accord with the ideas of those who drafted our Constitution, to have provided for the carrying on of the work of these commissions by the executive, through subordinate agencies immediately responsible to him. We shall return to such a system eventually, and I call your attention to it now, that in future legislation the principle may be recognized, if it meets with your approval; and that whenever new work is undertaken, or a new line of activities pursued, it may be done in such a way as to insure responsibility to the people through the executive." 7 Ja 04, p.46-49

c **Miss.** Vardaman. The curtailment of the appointive power of the governor and enlargement of the elective privilege of the people, recommended. 19 Ja 04, p.13

d **R. I.** Garvin. Restoration to governor of power of appointment recommended. 5 Ja 04, p.13

49 Secretary of state

a **Fla.** Jennings. ". . . The secretary of state is overburdened with work and it is impossible for him to perform except in a slight degree the duties and functions of his office with his present force . . . " 7 Ap 03, p.22

50 Attorney general

a **Fla.** Jennings, 7 Ap 03, p. 46. **La.** Heard, 9 My 04, p.29-31.

b **La.** Heard. ". . . By placing the legal affairs of these boards [located in New Orleans] under the control of the attorney general, at the same, or even at less allowance than is now paid to their individual attorneys, he could employ such assistance as might be necessary for the proper conduct of his office without detriment or impairment to the legal interests of the boards." 9 My 04, p.30

c **O. Nash.** ". . . I deem this a good occasion to call attention

to the need of centering the responsibility for the conduct of all litigation and the performance of all legal services for the state, or any of the departments thereof, in its chief law officer, the attorney general. There is no reason, in my judgment, why the attorney general of the state should occupy any different relation to it, or to any of its departments, than that of the attorney general of the United States toward the general government and its departments. . ." 4 Ja 04, p.19-20

d **O. Herrick.** ". . . In my judgment, all of the legal business connected with the affairs of the state in its various departments should be administered through the office of the attorney general. . . " 11 Ja 04, p.4

51 Other officers and boards

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

54 **State chemist**

a **Fla. Jennings, 7 Ap 03, p.51.**

59 Special investigations

a **N. J.** Murphy. "In accordance with the authority given me, I have appointed various commissions to investigate certain important matters of interest—the Morris Canal Commission, the Tenement House Commission, the Woman's Reformatory Commission and the Passaic Flood Commission. . ." 12 Ja 04, p.17

60 State institutions

See also 335, Corrections; 2140, Charities; 2220, Education

a **Ga.** Terrell, 24 Je 03, p.13-14. **Ga.** Terrell, 22 Je 04, p.18. **N. J.** Murphy, 12 Ja 04, p.9-10.

b **O.** Nash. "In 1903, the total amount of expenditures for the needs of the state was $5,435,873.05, and of this sum, $3,797,465.44 was expended for the support, permanent improvement and repair of our penal, reformatory and benevolent institutions, or nearly 70% of the whole amount. I can not conceal a conviction that there has not been the economy and prudence exercised in caring for these institutions and their expenses that there should have been . . . I recommend that this General Assembly enact a law, making it obligatory upon all the institutions of the state to purchase their supplies by some practical and effective method of competitive bidding. . . From my experience I believe that by

prudence and by competition in the purchase of supplies, as well as by economical use of the supplies, the total annual expense of our 17 institutions can be reduced by at least 20%. . ."
4 Ja 04, p.12-13

c **O. Herrick.** ". . . All successful business enterprises have a system of competitive bidding for the furnishing of supplies. . . There is . . . necessity that such a method be put in practice in our state institutions, and I recommend this subject to your earnest consideration." 11 Ja 04, p.6

63 **State boards and officers**

a **Ia. Cummins.** "The work of this Board [of Control] still vindicates the wisdom of the law creating it, and still commands the confidence of the people. . ." 12 Ja 04, p.20

b **R. I. Garvin.** Women's Board of Visitors recommends that a woman be placed on the Board of Charities and Corrections.
5 Ja 04, p.14

c **Va. Montague.** "The institution of a board of charities and corrections, with powers similar to like boards of many other states, is most earnestly recommended. . . The civilization of a people can hardly be better gaged than by the method and treatment of the insane. As Virginia was the first state in the world to treat insanity as a disease, she should not be among the last to adopt the most enlightened methods." 13 Ja 04, p.7

66 ## Public documents. Printing

67 **General**

a **Ia. Cummins.** "We have now erected a warehouse in which all the public documents can be placed, and have arranged to equip it with shelves so that these documents may be kept something after the manner of a library. I recommend that the law be so amended that all public documents shall be delivered by the state printer and binder to the Executive Council, and that all bills for printing and binding shall be passed upon by the council; that under the supervision of the council, the distribution of documents as now provided, shall be made; that a certain number of each issue, say 200, shall be kept for future uses, and that the remaining volumes of each report shall be distributed by the council upon requisition of the officer, department, board or commission issuing it. If these changes be authorized, we can preserve order in our public documents, an order which is sadly needed for their safe-keeping and proper distribution." 12 Ja 04, p.18

al laws

77 # Legislature

84 **United States senators**

a **Va.** Montague. "A democratic form of government plainly demands the direct voice of the people in the selection of all legislative and chief executive officials. Such direct expression of popular will now exists save in the election of federal senators and the president. . . As respects senators in Congress an adequate remedy is afforded in some of the states by the primary system. No objection obtains against a primary which does not also obtain against a regular election. . ." 13 Ja 04, p.4

88 **Special laws**

a **Mass.** Bates. "Special legislation is objectionable; many state Constitutions forbid it. . . Whenever possible, laws should be framed to cover whole classes of cases, and petitioners for particular acts should be referred to those laws." 7 Ja 04, p.45

b **N. Y.** Odell. "The Legislature annually passes many bills under the guise of general acts which in effect are purely local in their character. . . In prior messages I have directed the attention of the Legislature to this subject and have requested the framing of bills which would enable localities to take advantage of general statutes rather than special acts. This is particularly true of measures having to do with bond issues, the legalizing of the acts of notaries, amendments to village and city charters, and permission to go to the Court of Claims. It would seem that general statutes ought to be provided whereby some authority would be empowered to act upon these matters without the necessity of recourse to the Legislature. These statutes which are intended apparently for specific cases sometimes have very serious general effects. . ." 6 Ja 04, p.35

c **O.** Nash. "The same defects which formerly existed in the municipal laws of Ohio are still found in the school laws of the state, in the laws regulating the registration of voters and the conduct of elections, and in those affecting the organization of counties and the compensation of county officers. It is very important that the unconstitutional features of these sections of the Revised Statutes should be eliminated, and that laws should be enacted, uniform in their operation and obedient to the plain commands of the Constitution of the state. . ." 4 Ja 04, p.17-18

105 ## Legislative procedure

106 **Bills**

a **Ky.** Beckham. ". . . Under the former Constitution it was possible in one day for a bill to be introduced, passed in both

houses, signed by the governor, made a law, and probably not half a dozen members in all had the slightest idea as to what the bill contained. This power was frequently abused and was the source of much mischief and wrong; but the present Constitution has radically reformed the practice, and under the new system every proposed measure of legislation is subjected to the most rigid scrutiny both by the members and by the people. . . Following the constitutional requirements, it now takes nearly two weeks for a bill, even under the most favorable auspices, to get through the tortuous track of legislative routine and enactment into law. . ." 5 Ja 04, p.7-8

109 **Financial procedure**

b **Tex.** Lanham. ". . . A careful specification and itemizing of the sums to be expended and the particular purposes to which they are to be applied is respectfully suggested. Separation rather than massing the subjects of appropriations and the amounts of expenditure, wherever the same can be accomplished, will, it is believed, conduce to economy in the many branches and divisions of the public service. Appropriating money in lump sums, intended for special and different purposes, with an unlimited discretion and undefined extent of authority upon the part of those who disburse them, should be avoided as far as practicable, and methods in keeping with strict business principles observed. . ."

2 Ap 03, House Journal, p.4

112 **Committee procedure**

a **R. I.** Garvin. "For the past two years nearly all of the important measures introduced by the minority have been held in committee and refused any consideration whatsoever upon the floor of the House of Representatives. To say that this unprecedented procedure is a maltreatment of representatives and their constituents, and unfair to the whole people of the state, is to put in very mild terms an injury which should never be repeated." 5 Ja 04, p.12

113 **Sessions**

a **Mon.** Toole. "The Constitution requires the governor to embrace in his proclamation [for a special session] the legislative subjects to be considered, and this was intended to apprise the public at large of what might be expected, so that by discussion in the press and otherwise, public sentiment might crystallize and find expression. It is true that provision is made by which the executive can, in his judgment, extend the scope of legislative power by special recommendations, but this should be done only in cases of special character which do not run counter to the reason of the rule requiring publicity by proclamation." 1 D 03, p.3

b **R. I. Garvin.** "Neither the Legislature of Rhode Island, nor of any state, should convene for general legislation between the November election and the January session. It is wholly unnecessary, dangerous to the public weal, and every legislator favoring it should fail of reelection. . . " 13 S 04, p.9

c **S. C. Heyward.** "A bill to amend our Constitution, providing for biennial sessions of our General Assembly, at your last session was passed by the Senate, and is now pending in the House. . . the adoption of biennial sessions would result in a considerable saving to our state . . . In very few states of the Union now do the Legislatures meet annually, and I know of no peculiar condition in South Carolina that requires our General Assembly to do so. This is a very important business matter, involving, however, more than financial considerations, and I trust and believe it will have your full and careful attention." 12 Ja 04, p.38-39

116 Citizenship. Civil and political rights

See also 128, Suffrage

118 Naturalization

a **U. S. Roosevelt,** naturalization frauds, 7 D 03, p.6-7.

125 Elections. Political parties

See also for term of office, vacancies, etc. the various officers under state and local government

126 General

a **La. Heard.** "The secretary of state calls attention to certain complaints relative to the election law, principally section 65, applying to municipal elections in towns of less than 2500 inhabitants. He also recommends the correction of section 55. I concur in his recommendations . . ." 9 My 04, p.7

b **O. Herrick.** ". . . From time to time various laws regulating the conduct of elections have been passed by the General Assemblies, some of which appear conflicting, and others which, in their operation, have become cumbersome and are incentives to illegality. I recommend to your consideration the subject of revising the laws governing primaries and elections, and the codifying of all statutes bearing upon the same." 11 Ja 04, p.7

128 Suffrage; qualifications

129 General qualifications

a **R. I. Garvin.** The granting to registry voters in cities the right to vote for city council, recommended. 5 Ja 04, p.13

130 **Property. Poll tax**

a **R. I.** Garvin. "Another amendment . . . confers upon registry voters the right to vote in the election of city councils. . . In the five cities of the state the total number of property voters last year, which is approximately correct for this year, was 21,105; the total number of city registry voters now upon the lists is 33,096. It therefore appears that three fifths of all the voters in the cities are denied the right to vote for those officials who are nearest to them and possess the most power over their daily lives. . ."

13 S 04, p.6

134 **Nationality. Race**

a **Miss.** Vardaman. ". . . That the negro was created for some good purpose, time has demonstrated; but that good purpose is not participation in the government of white men. The nation should act in this matter and act now. . . In the meantime the southern states must protect themselves. . ."

19 Ja 04, p.7

146 **Women**

a **Mass.** Bates. ". . . Many of my predecessors, including in recent years Governors Claflin, Washburn, Long, Butler, Ames and Greenhalge, have . . . earnestly advocated the granting of the suffrage to women. . . They are equally interested in the economic and efficient management of civic affairs. They should have the same right as men, if they so desire, to vote for those who are to represent them in that management,—and that, too, irrespective of the question whether other women similarly situated desire to exercise that right. . . I respect that conservative feeling entertained by many, who, while not convinced either as to the benefit or the harm that would result from a complete extension of the suffrage to women, fear the consequences involved therein. . . I therefore recommend that you grant to women the right to vote for municipal officers. . ." 7 Ja 04, p.30-31

149 **Corrupt practices. Election offenses**

151 **Corruption and miscellaneous offenses**

a **R. I.** Garvin. ". . . Information comes to me from various sources that at the recent general election many electors went to the polls in a state of intoxication. I therefore recommend that you pass a law forbidding the sale of intoxicating liquors on election day, in any town or city, until after the hour of the closing of the polls in that town or city." 5 Ja 04, p.8

153 **Bribery**

See also 250, Crimes against the government

a **R. I.** Garvin. ". . . The recent election has shown once more that, in some of our towns, the result may be altered by bribery of voters. . . I renew my recommendation of last March, that a commissioner for the suppression of bribery be appointed and that an appropriation be made for his use." 5 Ja 04, p.7-8

b **R. I.** Garvin. "Section 4 of chapter 14 of the general laws, which provides that upon the conviction of any person of bribery of any voter the complainant shall recover from the general treasurer $50, should be so amended as to make the amount at least $200. This simple change in the law will do much to make effective the efforts to stop bribery at the approaching election." 13 S 04, p.8

160 **Nominations. Parties**

a **Fla.** Jennings. "The Democratic State Convention held at Jacksonville, beginning on the 19th day of June, 1900, in its platform unanimously adopted, did declare and provide for the nomination of all candidates for office, both state and county, and of United States senators, by a majority vote, in white Democratic primary elections, held under the provisions of law, which shall provide all possible protection against fraud, bribery, intimidation and other vicious influences; said primaries to be uniformly held throughout the state on the same day; and did pledge the party to the passage of all laws to that end. The Legislature (session of 1901) enacted a law (chapter 5014) on this subject, thus firmly establishing the primary system for nominating candidates for any office under the laws of this state, and for nominating delegates to political conventions. The primary held for the nomination of candidates at the general election, 1900, and the general primary election for the nomination of state and county officers (elective), representatives in Congress and United States senators, in July, 1902, by the Democratic party, has met with universal commendation. Much complaint has been made about the provision of the law requiring the payment of poll tax as a prerequisite to participation in a party primary election, and, as it is apparent that this tax was not intended as a party measure, I, therefore, recommend that this feature of the law be repealed." 7 Ap 03, p.46-47

b **Ga.** Terrell. "I call your attention to and invite your consideration of the growing sentiment in our state in favor of placing around our primary elections every safeguard necessary to make them absolutely fair in every particular. These elections are now practically the equivalent of general elections in Georgia, and no

voter should be allowed to vote therein unless constitutionally and in pursuance of law eligible to do so, and every vote deposited should be sacredly guarded, and with scrupulous honesty counted. I recommend, therefore, that you pass an act making all election and registration laws extend to primary elections—municipal, county, state and federal—so far as the same may be applicable, and provide for the infliction of appropriate penalties upon any person violating any of said laws in registering for or voting at such primary election. Appropriate legislation should also be enacted providing for contests before proper executive committees of the party, and giving authority to said committees, or under their direction, to subpoena witnesses, administer oaths, and do such other acts as may be necessary under the rules and regulations of the party, to ascertain or declare the person or persons entitled to receive the nomination of the party, and to provide for appeals. The pay of managers holding the elections, and the clerks serving thereat, should, in the case of primaries, as in general elections, be borne by the counties or state, and the use of money, by a candidate for office, to influence voters to support him, should render him ineligible to hold office. . ." 22 Je 04, p.3-4

c **Ia.** Cummins. "There has been much discussion in Iowa during the past few years respecting a primary election law, and I believe that public opinion has gradually ripened so that now there is a great preponderance of sentiment in favor of some regulation that will insure common decency and fairness in the nomination of candidates for office. There is practically no fraud, dishonesty, or even unfairness in the conduct of general elections, but the manner in which caucuses, party primaries, and other proceedings leading up to nominations are held; and the practices which attend them in many parts of the state, have become intolerable with clean, fair-minded people. . . While I recognize that there are wide differences of opinion concerning the scope, as well as the detail of such a law, I venture to express the opinion that it should have the following features: 1st—It should include all municipal, county, state, and congressional offices, filled by the voters. 2d—The primary election for all political parties should be held at the same place and time. 3d—It should include a system of registration, where registration is now required at general elections, and where registration is not required at general elections, it should include an adequate plan for identifying the voters. 4th—It should provide severe penalties for fraud, intimidation and bribery. The greatest objection which I have found in studying the measures adopted by other states, and the subject

generally, has been that in the complete primary election system, a plurality, instead of a majority, will nominate. I regard this as a weakness, because it prevents in some instances the exercise of a second choice, which is ofttimes of great value. It seems to me, therefore, that the delegate convention ought to be preserved, and that the law should arrange for the selection of delegates. If any candidate, whether for a city, county, state or congressional office, receives a majority of the votes cast in the territory which fills the office, the delegates chosen would have no other duty but to record the decision of the voters. If, however, no candidate receives a majority of the votes cast by his party, then the delegates chosen with the instructions given them by the vote, should work out in the convention their second choice."

12 Ja 04, p.15-16

d **La.** Blanchard. "The State Central Committee of the Democratic party (the dominant political organization of the state) ordered a primary election to nominate the candidates of that party for positions on the state ticket. It was the first time its candidates for state positions were so nominated. . . In the long campaign preceding the primary election, and in the conduct of the election, it was found that the present law relating to primary elections is entirely inadequate to their proper relation. It is recommended that a new statute be enacted controlling and regulating primary elections and providing, in part at least, for the expenses of the same. Such a law should carefully provide that none but bona fide adherents and supporters of the party holding the primary should be eligible to vote thereat, and should punish with adequate penalties those who are guilty of bribery, or of frauds in the conduct of the election . . . A primary election held to nominate candidates of a political party for state positions should be separated from primary elections held to nominate local candidates in parishes or districts. . . Political campaigns are too long drawn out in Louisiana. . . The law can and should regulate this. It can be done by prescribing that the central or general committee of a political party shall not meet to order state nominations before a certain time (to be fixed) prior to the date of the legal or regular election, and that no local party committee shall meet to order local nominations until after the central committee of such party shall have met and ordered state nominations. The Constitution of the state provides for the election of district judges and district attorneys at a time distinct and separate from the state and parochial officials. . . Nominating judges and district attorneys, who were to be voted for at one and a more remote election, at the

same time with other officials, who were to be voted for at another and nearer election, was an avoidance and contravention of the purpose and intent of the Constitution, and was an abuse. It is recommended that separation of judicial nominations from other nominations be enforced by legal enactment."

16 My 04, p.11-12

e **Miss.** Vardaman. Amendment of primary election law by eliminating the electorial and plurality features, and prescribing the severest punishment for the improper use of money and other fraudulent methods to control the elections recommended. 19 Ja 04, p.14

f **N. J.** Murphy. "What is known as the primary election law, passed by the last Legislature, had its first trial last fall. . . The law is not quite perfect, and can be improved by some slight amendments, which will doubtless be offered during the session."

12 Ja 04, p.16

g **N. Y.** Odell. ". . . During the past year the Supreme Court of the first department decided there was no power vested in the court to remove from the enrolment lists nonresidents or illegal voters. While the right of challenge obtains, yet this method of reaching those who were not entitled to vote was not thought to be sufficient to properly guard the interests of those who were honestly entitled to participate in primaries. So far as the registry lists for all general, special and local elections are concerned, the right of review rests in the courts, and they may order stricken from the rolls the names of nonresidents and others whose names remaining upon the list might prove a temptation for illegal voting. The same rule should apply to primary elections, and the deficiencies which exist in the present law should be supplied by amendment to the general law." 6 Ja 04, p.21

h **O.** Nash. "There is a necessity for the enactment of laws governing primary elections in this state. . . Abuses in the conduct of primary elections have been frequent and disgraceful in some of our cities and in other parts of the state. In many precincts, as the primaries are now conducted, more votes are often cast by one party at its primaries than are cast by both parties at the general election. The system now in vogue invites corruption and fraud, and I earnestly recommend that some method for controlling these primary elections be devised that will render them fair and honest." 4 Ja 04, p.19

i **Va.** Montague. "I . . . recommend a general primary law, analogous to the principles and methods of general elections, operative upon the sanction of party authorities, thereby permitting the people to have a direct voice in party nominations or elections."

13 Ja 04, p.4

desirable that a commission, to be appointed either by the Legislature or the executive, should take up this work and give to it careful consideration, with the end in view of making the Penal Code and prison administration more practical than they are today. . ." 6 Ja 04, p.22-23

236 **Crimes against the government**

250 **Bribery**

See also 153, Elections

a **U. S.** Roosevelt. "Steps have been taken by the State Department looking to the making of bribery an extraditable offense with foreign powers. . ." 7 D 03, p.9

335 # Corrections

See also 60, State institutions; 2140, Charities

a **Fla.** Jennings. "The commissioner of agriculture is given the supervision of state prisoners by the Constitution. As will appear by the commissioner's report, there are more than a thousand state prisoners located in the various counties. . . The present compensation of the supervisor of state convicts . . . is inadequate. . ." 7 Ap 03, p.21

b **Mass.** Bates. "The prisoners in the state institutions have been well employed, but in many of the houses of correction there have been periods of idleness. Work for the inmates of county prisons is continually growing more uncertain and unsatisfactory. . . . Acting under the provisions made by the last Legislature, a large tract of land has been taken, plans for a dormitory are being prepared, and by April it is confidently expected that the camp will be ready. Should the plan prove successful, it will open not only possibilities for the wholesome and strengthening employment of prisoners, but also for the addition to the assets of the state of sources of considerable revenue in the future, through the reclamation of land for farm and forest purposes." 7 Ja 04, p.17-18

337 **State boards**

a **Miss.** Vardaman. Abolition of Board of Control and substitution therefor of a department under the direction of one man, whose duty it shall be to direct and supervise the working of the convicts recommended. 19 Ja 04, p.13

340 # Penal institutions

341 **State prisons, government and maintenance**

a **Ky.** Beckham, 5 Ja 04, p.14. **La.** Heard, 9 My 04, p.37-40. **Md.** Smith, 6 Ja 04, p.39-40. **S. C.** Heyward, 12 Ja 04, p.19-20.

b **N. J.** Murphy. "The State Prison has become overcrowded. Over 300 cells are each occupied by more than one prisoner, and some relief is urgently called for. . ." 12 Ja 04, p.8

c **N. Y.** Odell. "For humanitarian reasons ample provision should be made at once for remodeling the present state prisons. That source of disease, the foul, damp and unhealthy cell should be relegated to the past. . ." 6 Ja 04, p.22

343 ## Reform schools and reformatories

346 **Reform schools**

a **N. Y.** Odell, home for juvenile delinquents at Randall's Island, 6 Ja 04, p.19-20.

347 **State reformatories**

a **Ky.** Beckham, 5 Ja 04, p.14. **N. J.** Murphy, Rahway reformatory extension, 12 Ja 04, p.8. **S. C.** Heyward, 12 Ja 04, p.20.

348 ## Local institutions

a **Mass.** Bates. "Many years ago it was provided by statute that the expense of supporting a prisoner in a jail or house of correction should be paid by the prisoner himself, by his parents or guardian, or by the town or city where he had a settlement. For a long time, however, no serious attempt has been made to enforce this law, and I respectfully suggest that it be repealed, or that some further act be passed to secure its enforcement." 7 Ja 04, p.18

352 # Convicts

354 ## Convict labor

356 **Contract and lease system**

a **Ga.** Terrell, 22 Je 04, p.12-13.

b **Fla.** Jennings. "The present law provides that the sum arising from the hire of . . . state prisoners shall be distributed to the counties in proportion to the number of state prisoners sentenced from each county to the state penitentiary. . . If the proceeds of the hire of the state prisoners is to be applied on the theory of paying the cost of the criminal prosecutions, I suggest that it would only be just that one half of said proceeds be turned into the general revenue fund of the state, and the other half distributed among the various counties. . ." 7 Ap 03, p.44-45

361 ## Criminal insane

a **Ga.** Terrell. "There are between 30 and 40 patients in the State Sanitarium belonging to that class usually referred to as

criminal insane. The dictates of humanity, as well as the proper enforcement of the law, call for a complete separation of the innocent insane from the criminal insane. Suitable provision can be made for this class of unfortunates . . . by authorizing the Prison Commission to erect upon the Prison Farm near Milledgeville, a building to be used as the hospital for criminal insane. . ." 24 Je 03, p.9-10

363 **System of sentencing and reform**

Parole. Pardon

370 **Indeterminate sentence**

a **Ia.** Cummins. ". . . My experience has deepened my conviction that the parole system ought to be preserved, but in so saying, I am quite conscious that it ought also to be perfected. Assuming that the discretion, which must be reposed somewhere, is properly exercised, the system has one serious defect. Whenever a prisoner is paroled, there is an interference with the judgment of the court. . . I believe that the parole should be consistent with the execution of the sentence imposed by the court, indeed, should carry out the sentence. To accomplish this, it is evident that some phase of the plan of indeterminate sentences should be adopted. . ." 12 Ja 04, p.12-13

b **R. I.** Garvin. ". . . Supplementary to the probation law and to the present law admitting of conditional pardons, I recommend the passage of an act—to be made retroactive, if possible—providing for indeterminate sentences and parole." 5 Ja 04, p.9

371 **Juvenile offenders. Juvenile courts**

See also 346, Reform schools; *2172*, Children

a **Fla.** Jennings. ". . . I recommend that a law be enacted . . . authorizing incorrigible children to be sent [to the reformatory school] without conviction, for an indefinite period. . ." 7 Ap 03, p.46

b **Ga.** Terrell. ". . . Georgia may greatly improve her convict system, by making suitable provision looking to the separation of her juvenile convicts from contact and association with her hardened criminals. . . I recommend legislation looking to the creation of juvenile courts in the principal cities of the state, and establishing reformatories for violators of the law by persons under the age of 16 years. . ." 22 Je 04, p.12

c **Ia.** Cummins. ". . . I beg to call your attention to the movement which is now general throughout the country, to better care for the boys and girls who are led into crime. . . By far

the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law. . . There is no subject which better deserves your careful thought than this." 12 Ja 04, p.13-14

d **Mass.** Bates. "It has come to my attention that several of the judges of the courts hesitate to send boys, whose worst offense seems to be that they have not been surrounded with such environment as to give them a proper start in life, to the Concord Reformatory. . . Would it not be wise to give the judges the right to exercise their discretion in sending boys between the ages of 15 and 20 to either the Lyman School or the Concord Reformatory, as they deemed best for the boys' welfare?" 7 Ja 04, p.18-19

373 **Pardons**

a **La.** Blanchard, 16 My 04, p.15. **Md.** Smith, 6 Ja 04, p.9.

b **Ia.** Cummins. "I do not believe that a board of pardons is necessary. So long as the governor is required, under the Constitution, to take the responsibility for the release of prisoners, I think the investigation which precedes the parole can be carried forward just as well in the governor's office as anywhere else, and I concur with my distinguished predecessor in saying that no rule can be formulated to govern the discretion which must in the very nature of things be exercised. The governor should be authorized to employ one or two additional agents. . . I very much need one or two persons to assist in securing work for prisoners who are without friends; and to watch over them and lend a helping hand until they are again fairly established among their fellow-men. . . " 12 Ja 04, p.13

375 ## CIVIL LAW

Civil Code and Code of Civil Procedure

377 # Property

382 ### Eminent domain. Condemnation proceedings

See also 1297, Railways

a **Mass.** Bates. ". . . I appointed a committee of three to consider the matter of making public improvements under a more extensive exercise of the right of eminent domain than is now authorized. It has long been recognized that the taking of land for street, park or other public purposes generally results in betterments to the surrounding property far in excess of any amount

which the public can collect therefrom; and in the case of streets and thoroughfares often leaves lots of such small or undesirable shape as to be ill adapted for building purposes, and yet possessing the frontage that is necessary to enable adjoining property to benefit from the improvement. This committee has given much thought to the matter. It has investigated the methods adopted in England, France and Germany, and its report, with important information and recommendations, is ready to be submitted to you. . ." 7 Ja 04, p.19-20

452 # Contracts and other obligations

See also 2705, Roads

463 ### Interest. Usury

a **Miss.** Vardaman. Reduction of contract rate of interest on money to 8% recommended. 19 Ja 04, p.12

500 # Corporations

See also 840, Corporation taxes; 1200, Transportation; 1677, Banking; 1730, Insurance

501 ### General

502 **General. Incorporation**

a **Ia.** Cummins. ". . . The history of this state, as well as the country . . . demonstrates beyond controversy that in the organization of corporations, the law ought to limit the issuance of capital stock to the amount actually paid to the corporation for it. . . The most serious menace to the prosperity which has been so generally enjoyed by the people of the United States during the last few years, has grown out of overcapitalization. I believe also that, before any corporation about to be organized is permitted to file its articles of incorporation in the office of secretary of state, they ought to be submitted to a board, composed of the Executive Council and the attorney general for approval. Our experience has shown that this is necessary in order to restrict corporations within legitimate lines, and to exclude those which are organized for an unlawful or a dishonest purpose. . . "
12 Ja 04, p.27

b **Md.** Smith. Commission to revise the incorporation laws of the state, authorized by acts of 1902, chapter 446. 6 Ja 04, p.42

c **N. Y.** Odell. "The corporation laws enacted in 1901 show gratifying results. Prior to the passage of these laws, for the year 1900 there were but 2329 incorporations, with a total capitalization

of $306,613,355; while for the year ending Sep. 30, 1903, there were 3828 incorporations, with a capitalization of $424,830,500 . . . These figures show that the recent laws are encouraging corporations to domicile within New York." 6 Ja 04, p.30

d O. Herrick. "The constitutional amendment doing away with the double liability of stockholders of various corporations gives to the state of Ohio an opportunity to revise and codify its laws with reference to the organization and control of corporations so that our citizens will not feel impelled to incorporate in other states, for business which they wish to transact in the state of Ohio. . ." 11 Ja 04, p.5

505 **Domicile. Name. Residence of officers**

a N. Y. Odell. "It is . . . suggested that the Code of Civil Procedure be amended so as to protect the name of a corporation when it is proceeding to effect a change of name under section 2111 of the Code of Civil Procedure." 6 Ja 04, p.30

517 **Government**

521 **Reports**

a La. Heard. "I heartily concur with the secretary [of state] in the renewal of his recommendation made in 1900, relative to requiring the filing annually of a certificate under oath from the proper officer of each corporation doing business in the state, showing the location of its principal office in the state, with town, street and number, the kind of business engaged in, the names of . . . officers, directors or managers, their residences, etc., and the expiration of their terms of office." 9 My 04, p.7-8

589 # Industrial combinations and monopolies

a La. Heard, 9 My 04, p.31. U. S. Roosevelt, bureau of corporations, 7 D 03, p.1-3.

b La. Blanchard. "There should be laws to regulate corporations and trusts and prevent them from becoming monopolies. . ." 16 My 04, p.17

590 # Administration of justice

600 ## Courts

Names and general organizations of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries and subordinate headings.

601 **General**

a La. Heard. "I desire to repeat . . . the . . . recommendations made upon the subject of the state judiciary in my

message to the last session of the General Assembly. . . " [*See* Governors Messages 1903, 601f] 9 My 04, p.31-32

b **La.** Blanchard. "By the mandate of article 99 of the Constitution, the Courts of Appeal (other than in the city of New Orleans), from and after July 1, 1904, are to be composed of two district judges designated by the Supreme Court. The bench and bar of the state, with practical unanimity, concur in the view that the Courts of Appeal as thus constituted will fail to meet the requirements of the situation, and the demand is strong and urgent for a change in the Constitution in this particular, so as to provide a more satisfactory intermediate court between the District Courts and the Supreme Court. Opinions differ as to what plan should be adopted. A practical way of getting at the subject and of ascertaining what plan would meet the better opinion of the lawyers, so as to put the influence of the bar behind the proposition, would be to hold a convention of lawyers in the city of Baton Rouge during the session of the Legislature. . ." 16 My 04, p.15-16

c **La.** Blanchard. Special message recommending adoption of constitutional amendments relating to judicial department. 10 Je 04, House Journal, p. 273

d **Miss.** Vardaman. ". . . I want Mississippi to keep up and maintain the grand old standard of excellence, I want the judiciary exempt from the pernicious influence of political bossism, I want the judge who holds a commission from the governor to understand that the only obligation or debt he owes that governor is to perform fairly, fearlessly, intelligently and justly the functions of the office of judge. . . I should like to see the salaries of the judges increased, that the best legal talent of the state may be transferred from the bar to the bench, without personal pecuniary sacrifice. . ." 19 Ja 04, p.10-11

e **N. Y.** Odell. "The commission appointed in pursuance to my recommendation to examine into the law's delays in the greater judicial departments of the state has steadfastly pursued its investigation since its appointment and will report to you its findings. . ." 6 Ja 04, p.29

f **R. I.** Garvin. "One of the most important duties devolving upon this General Assembly is the revision of the laws made necessary by the adoption of the recent [judiciary] amendment to the Constitution. . . I recommend for making the required revision a commission . . . appointed by the governor with the advice and consent of the Supreme Court. I also recommend that the judges who are to serve in the inferior court, which is to be established, be elected by the people or appointed by the governor." Ja 04, p.10-11

g **S. C.** Heyward. "For a few years past the congested condition of the calendars of the Circuit Courts in nearly all of the counties of our state has been a problem which forced itself upon the consideration of the people. To relieve this condition, in 1900 an act was passed providing for the holding of special courts. . . The conclusion seems to have been reached by thoughtful men that it is unwise to make a temporary judge out of a practising attorney. . . I would respectfully recommend that the act providing for special courts be abolished, and that at least two additional judicial circuits be established. . . I beg to present for your careful consideration the fact that the Courts of General Sessions now encroach too much upon the Courts of Common Pleas, subordinating entirely civil to criminal business. I believe it would be wise to amend the law relating to County Courts so that the larger counties not now included in this law might, by a majority vote, establish such courts whenever they deemed it necessary." 12 Ja 04, p.29-30

h **Va.** Montague. ". . . In the interest of the general administration of justice I beg to recommend some provision whereby the attorney general may have periodical reports from each commonwealth's attorney, giving the style of every cause, civil or criminal, wherein the commonwealth is a party, together with the disposition of each case; if continued, the reasons therefor, and if concluded, the judgment therein. . . By this means the people, who should be acquainted with the administration of all the departments of government, would be enabled to know with what expedition the laws are enforced, and in what proportion crimes exist. . ." 13 Ja 04, p.4

604 ## Supreme courts

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

605 **General and miscellaneous**

a **Fla.** Jennings. Provision for election of judges of Supreme Court. 7 Ap 03, p.20

609 ## Intermediate courts

615 ### Circuit court

a **Fla.** Jennings. "Under the constitutional amendments, ratified at the general election held on Dec. 2, 1902, providing for an additional judicial circuit, the power to redistrict the state and create

an additional judicial circuit . . . I beg to call your attention to this subject, and I recommend that the eighth circuit be created and defined." 7 Ap 03, p.50

623 **Court of Appeals**

a **La.** Blanchard, special message recommending legislation to carry out provisions of Constitution relating to terms of courts of appeal, 25 Je 04.

633 **District court**

a **Mon.** Toole. "Much stress has been laid upon what is claimed to be an imperfection of our laws in this, that no provision is made for disqualifying a district judge where bias or prejudice is shown. This omission was sought to be corrected at the seventh legislative session by the passage of a bill which, for reasons then stated, was vetoed. At the eighth regular session the subject again received the attention of the Legislature, and a bill, constructed on different lines but designed to accomplish the same result, was passed, but it was found upon a test case that it contravened the Constitution in several respects, and for these reasons failed to become operative. . ." 1 D 03, p.1

657 **Court officers**

For officer of special court, *see* above under that head

687 **State's attorney**

a **Fla.** Jennings. "Two years of official observation . . . has impressed me more deeply than ever with the necessity of having more prosecuting officers in the state. I . . . recommend a constitutional amendment be proposed creating a state's attorneyship for each senatorial district. . ." 7 Ap 03, p.48

695 **Civil procedure**

Including such provisions as apply to both civil and criminal cases

733 **Appeals. Review**

a **Mon.** Toole. "Concerning the second proposition mentioned in the [special session] proclamation, to wit: the power of the Supreme Court to review the evidence on appeal in equity cases, it would seem to me that if provision is made which, in the opinion of the Legislature, is designed to make more certain a fair trial before a fair judge, the reason for a review of the evidence by the Supreme Court in equity cases has largely failed. Such evidence when it reaches the Supreme Court is in narrative form only. It is not impressed by the presence of the witnesses and their manner of testifying." 1 D 03, p.2

750 **ADMINISTRATIVE LAW**

This and Constitutional law above make up what is commonly known as the Political Code.

753 # Officers. Civil service

See also 38, State departments; 2472, Municipal civil service; 2511, County civil service

758 **Civil service examinations. General**

a **Mass.** Bates. "The system by which appointments to public office are made upon merit ascertained by competitive examination has taken a prominent and permanent place in federal, state and municipal government . . . The fact that removals can be made by those in authority without cause has proved detrimental, and prevented in some cases a just and adequate operation of the law. The civil service commissioners suggest that a law be enacted which shall regulate the removal of persons in the classified service, and I commend the suggestion to your consideration." 7 Ja 04, p.16-17

b **U. S.** Roosevelt. "During the year ended June 30 last 25,566 persons were appointed through competitive examinations under the civil service rules. This was 12,672 more than during the preceding year, and 40% of those who passed the examinations. This abnormal growth was largely occasioned by the extension of classification to the rural free delivery service and the appointment last year of over 9000 rural carriers. A revision of the civil service rules took effect on Ap. 15 last, which has greatly improved their operation. . . Executive orders of July 3, 1902; Mar. 26, 1903, and July 8, 1903, require that appointments of all unclassified laborers, both in the departments at Washington and in the field service, shall be made with the assistance of the United States Civil Service Commission, under a system of registration to test the relative fitness of applicants for appointment or employment. This system is competitive, and is open to all citizens of the United States qualified in respect to age, physical ability, moral character, industry, and adaptability for manual labor; except that in case of veterans of the Civil War the element of age is omitted. This system of appointment is distinct from the classified service and does not classify positions of mere laborer under the civil service act and rules. . ." 7 D 03, p.23-24

765 **Salaries. Fees**

a **Fla.** Jennings. "I deem it my duty to invite your special attention to the salaries and duties of state officials. . . A careful study of their reports will show the increase in their duties caused

by the wonderful increase in the population, wealth, growth, development and progress of our state during the past decade. The enormous increase in the price of self-maintenance should also be taken into consideration, in fixing a reasonable compensation for state officials, which power is vested in you. . ." 7 Ap 03, p.22

b **Ia.** Cummins. ". . . I suggest that the law relating to the Pharmacy Commission, the Bank Examiners, the Oil Inspectors, the Dental Board, the Veterinary Board, and all other boards, commissions, and offices with which the contrary practice prevails, should be changed so as to require payment of fees . . . [directly to the treasury]. 12 Ja 04, p.11-12

c **Mass.** Bates. "I renew my recommendations . . . for the paying of all fees received by salaried officers into the treasury of the state, county or municipality, as the case may be. This latter suggestion has been receiving the attention of a special committee of the General Court, and I understand their report is ready for your consideration." 7 Ja 04, p.21-22

d **N. Y.** Odell. "A committee of the Legislature has had under investigation the compensation of employees in the state service and the necessities for the services of those now in the state employ. While it is not my purpose to anticipate the report of this committee . . . I do desire to place myself on record as favoring such changes as are for the interest of the state in protecting it against such excessive salaries as have been the outgrowth more of favoritism than of necessity. . ." 6 Ja 04, p.25

767 **Tenure of office. Discipline**

a **La.** Blanchard. "State officials paid good salaries should give practically all of their time to the state's service and be required to live, or at least spend most of their time, at the capital." 16 My 04, p.17

770 # Finance. Public property

See also 2237, School finance; 2550, Local finance

772 ## Domain. Property

773 ### Public lands

See also 2240, School lands

774 **General and miscellaneous**

a **La.** Heard, 9 My 04, p.27. **Md.** Smith, the land office, 6 Ja 04, p.35. **U. S.** Roosevelt, public land frauds, 7 D 03, p. 8.

b **Fla.** Jennings. ". . .' I would . . . respectfully suggest that a memorial be addressed to Congress asking that the 1,433,314 remaining acres of the public domain of the United States, lying in Florida, be granted to the state, to be disposed of for the use and benefit of the public school fund." 7 Ap 03, p.66

c **U. S.** Roosevelt. "Experience has shown that in the western states themselves, as well as in the rest of the country, there is widespread conviction that certain of the public land laws and the resulting administrative practice no longer meet the present needs. The character and uses of the remaining public lands differ widely from those of the public lands which Congress had especially in view when these laws were passed. The rapidly increasing rate of disposal of the public lands is not followed by a corresponding increase in home building. There is a tendency to mass in large holdings public lands, especially timber and grazing lands, and thereby to retard settlement. I renew and emphasize my recommendation of last year that so far as they are available for agriculture in its broadest sense, and to whatever extent they may be reclaimed under the national irrigation law, the remaining public lands should be held rigidly for the home builder. The attention of the Congress is especially directed to the timber and stone law, the desert land law, and the commutation clause of the homestead law, which in their operation have in many respects conflicted with wise public land policy. . . In order that definite information may be available for the use of the Congress, I have appointed a commission composed of W. A. Richards, commissioner of the General Land Office; Gifford Pinchot, chief of the Bureau of Forestry of the Department of Agriculture, and F. H. Newell, chief hydrographer of the Geological Survey, to report at the earliest practicable moment upon the condition, operation, and effect of the present land laws and on the use, condition, disposal, and settlement of the public lands. . ." 7 D 03, p.19-20

777 **Deeds. Titles**

a **Fla.** Jennings. "The law fails to provide a system of record of title deeds and papers of titles to state and educational institutions (other than in counties), or the designation of any official or person as custodian of such title deeds or papers or in what manner or by whom they shall be kept. . . I recommend that the commissioner of agriculture be designated as the official to have the custody of all deeds and title papers of the sites of all state properties and educational institutions, and that such commissioner be provided with a deed book wherein all deeds shall be recorded." 7 Ap 03, p.28-39

b Ga. Terrell. "... To the end... that settlements may be had and the title quieted, wherever in good faith the present claimant has purchased and improved the state's land, legislation should be enacted providing for the submission of the questions of good faith and value to the jury of the vicinage, and where it is made to appear that the claimant purchased in good faith and has made valuable improvements thereon, that the state's right of recovery should be limited to the value of the land before the improvements were made. . ." 24 Je 03, p.8

778 Buildings. Property and supplies

780 Buildings and grounds

a Fla. Jennings. 7 Ap 03. p.81. Md. Smith, 6 Ja 04, p.26-34.

781 Capitol

a Fla. Jennings. Capitol Improvement Commission, 7 Ap 03, p.79. Ga. Terrell. Mitchell street paving, 24 Je 03, p.11. Ga. Terrell, 24 Je 03, p.13. Ia. Cummins. Capitol Commission, 12 Ja 04, p.21-22. Ia. Cummins. the late fire in the Capitol, 12 Ja 04, p.24-25. La. Heard. repairs to sidewalks on Capitol grounds, 10 D 03, House Journal, p.? Md. Smith. addition to the State House, 6 Ja 04, p.30-33. Mon. Toole. 26 My 03. p.2-3. N. J. Murphy, 12 Ja 04, p.?-? W. Va. White, 21 J. 04. p.7.

b Fla. Jennings. "[The secretary of state] should be provided with an assistant custodian of the State House and grounds in order that this important work may be continuously under the immediate supervision and direction of a competent person. . ." 7 Ap 03, p.23

c Fla. Jennings. "... At present the Supreme Court Library is in the basement and the State Library is without a home. Notwithstanding the enlargement of the State House, the departments are really crowded at this time, and there is a growing demand for the erection of a suitable building for the Supreme Court and its library. . ." 7 Ap 03, p.81

d Ky. Beckham. New capitol recommended. 5 Ja 04, p.18

e S. C. Heyward. "... I should be glad to see our State House grounds systematically beautified on some artistic and developed plan. . ." 12 Ja 04, p.37

f Va. Montague. "I renew my recommendation for the improvement of the Capitol, together with the suggestion that wings be added to the present building in accordance with plans which have been submitted. . ." 13 Ja 04, p.7

782 Executive mansion

a Fla. Jennings. Residence for governor recommended. 7 Ap 03, p.80

b **Miss.** Vardaman. ". . . I would suggest that the executive mansion be devoted to some other use than that of a state-provided home for the governor. It would be a matter of economy both for the state and for the governor, for the state to increase the salary of the governor, and permit him to live as do other public servants at the Capitol. I do not like the idea of the executive mansion. It is a relic of royalty and has the odor of that effete aristocracy, which is a curse to every country where it flourishes, and it also contemplates and imposes social obligations which sin against the strength of manhood and consume time which should be devoted to more serious things." 19 Ja 04, p.20

c **O.** Nash. "It has long been a source of regret that the state has not provided a residence for the governor." 4 Ja 04, p.23

784 **Property and supplies generally**

791 **Insurance**

a **Fla.** Jennings. "The insurance on state properties has been found unsatisfactory and without system. . . I, in 1901, employed Hon. H. J. Drane, special agent on insurance matters for the state, requesting him to examine all the policies, determine the valuations of all state property subject to insurance, fix its insurance valuation, prepare forms of the various contracts, correcting errors in the present policies where necessary . . . I recommend that this system be adopted by the state, and that the Board of Commissioners of State Institutions be charged with the specific duty of keeping the record of insurance, together with the custody of all policies issued, with directions to keep the insurance policies renewed and in force at such rate and for such amounts as in its judgment may seem best for the interest of the state from time to time, and that a sufficient appropriation be made to cover the necessary premium on insurance. . . "

7 Ap 03, p.41-43

792 **Sale of property**

a **La.** Heard, 9 My 04, p.70.

793 **Public works**

797 **Light, water and sewerage plants**

a **Tex.** Lanham, 2 Ap 03, House Journal, p.4.

800 **Taxation (general)**

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing.

General and miscellaneous. State departments

a [illegible] tax commissioner's office. 6 Ja 04, p.36.

f [illegible] recommend a constitutional amendment be proposed, authorizing the imposition of a license tax on all corporate franchises and tax on inheritance, gifts and devises."
7 Ap 03, p.48

z [illegible] in the interest of economy, as well as of efficient administration, . . . recommend the consolidation of the State Board of Taxation and the State Board of Assessors. . . . While the work of the two boards is distinct, nevertheless it is of a similar character and could easily be performed by one competent board of four persons devoting practically their entire time to the duties of their office, in return for which they should receive proper compensation."
12 Ja 04, p.15-16

d "Owing to the operation of certain laws ['02, p. 124, 328] also enacted by the last General Assembly . . . the manner in which the general revenue fund . . . has been produced has been entirely changed. Formerly this fund was largely derived from a levy of 3 mill and four tenths of 1 mill on each dollar of valuation of taxable property in the state. This placed the chief burden of the taxes for state purposes upon the real and personal property . . . ."
4 Ja 04, p.3

e "[illegible] act was passed at the last session of the Legislature entitled 'An act to provide a more efficient method for the assessment and collection of taxes . . . .' In order to test the validity of this law and to ascertain the effect of certain changes made thereby in existing laws, a suit was instituted in the [illegible] Court of Chautauqua county a few months since to restrain the officers of said county from proceeding to levy a tax on the assessment roll of 1903 . . . . A decree was rendered by the Special Term enjoining the levying of a tax by the County Clerk of Chautauqua county on the roll of 1903, and on appeal to the Supreme Court the judgment of the lower court was affirmed.

The result of the decision of the court is, that whilst there may be a valid assessment of property for the year 1903, made prior to the taking effect of the amendments, no levy was made or could be made under the old law. . . . Chaos in fiscal affairs of the state would be the result, and to avoid this condition I have felt it incumbent upon me . . . . to convene the Legislature in extraordinary session. . . . That the tax laws of the state need revision there can be no question. Repeated amendments from time to time have but made confusion worse confounded. . . . In my opinion sections 3057, 3060, 3082,

3084, 3085, 3090, 3098, 3106, 3107, 3112, 3116, and 3120 of Bellinger and Cotton's Annotated Codes should be reinstated by appropriate legislation after the repeal of the act found on page 295 of the Acts of 1903, and after the repeal of that other act purporting to amend section 3098 of Bellinger and Cotton's Codes found at page 23 of the Acts of 1903. . . " Extra session, 21 D 03, 7 p.

f **R. I.** Garvin. Reform of the tax laws recommended. 5 Ja 04, p.13

g **Va.** Montague. "The new sources of our taxation distinctly contribute to the adjustment of the burdens of government. The increased revenue derived from corporate property is very gratifying. . . As an indication of the benefits of the new system it should be observed that though as yet but partially tested, and at a reduced rate, our present revenue from assessments made by the Corporation Commission alone will exceed that of last year by about $438,000. Our income, in round numbers, will approximate four millions of dollars per annum, thus demonstrating the ability of the commonwealth to meet every obligation, and to provide for improved administration in many departments. . . " 13 Ja 04, p.5

h **W. Va.** White. Message to extra session convened to consider tax bills proposed by Special Tax Commission and other amendments to tax laws specially with view of abolishing state direct tax on real and personal property. 26 Je 04

807 **Separation of state and local taxation**

a **N. J.** Murphy. "Because of the falling off in the receipts from incorporation fees, some timid people have taken alarm, and they see in imagination the revenues of the state disappearing, and the bogy of a state tax already in sight. Personally, I think much greater calamities might happen to the state than to have a state tax. My own view is that the blessings and benefits of our government would be more highly appreciated if every citizen was required to contribute a substantial sum as a poll tax to the support of the state before being allowed to vote, and I would have such tax large enough to remove the temptation from any political party to assist the citizen in its payment. . ." 12 Ja 04, p.6

808 **Taxation of personal property**

a **N. Y.** Odell. "The necessity for a more equitable system of taxing mortgages, or for their total exemption from taxation, is perhaps more apparent today than ever before in the history of the state. The discussion which has followed the introduction of the measure which proposes to lay a tribute of 4 mills per annum

upon all mortgages, while it may not produce the results desired, should at least lead the Legislature prior to its adjournment to formulate a statute which will correct existing inequalities and give the color of law and authority of the Legislature to such exemptions as are now only secured through open evasion of the law or failure of the assessors to perform the duties for which they were chosen. Whether mortgages should be taxed or not is an open question, considered either from the point of view of those who borrow or of those who lend. That they are now unjustly taxed in some localities and permitted to escape entirely in others, is a conclusion beyond the peradventure of a doubt. Either all mortgages should be taxed, or none. Mortgages are the representatives of tangible property, and if tangible property were assessed at its full valuation, there could be no question that to a certain extent their taxation would be double taxation. . . That an evil exists in the present system of mortgage taxation is manifest, and that it is a burden upon those who can not escape, upon widows and orphans where money is tied up in trust estates, should lead the Legislature to take into consideration the necessity for action and attempt in some way to correct this condition. If it be by the total exemption of mortgages from taxation—if that be the conclusion of the Legislature—I am ready to give to it my sanction and approval. If it be by imposing a small yearly tax, either 4 mills or 2 mills, I am willing also to go to that extent, because I believe that is so much nearer right than the existing law and that it would meet the approval of the citizens of the state. If it be by imposing a recording tax, affecting only future mortgages, I am willing to lend my approval and assistance in that direction. But I believe that the Legislature of the state of New York would be recreant to the trust that has been reposed in it if an adjournment should occur without a correction of the evils to which I have directed attention. . . ." 6 Ap 03, p.1-9

b N. Y. Odell. "The personal assessments of the state, according to the equalized valuations of 1902, amount to $672,149,054. . . Much of this assessment in New York city is occasioned by taxation upon mortgages which should not exist and which is a positive burden to many and in frequent cases takes at least 50% of the income from such property. . . ." 6 Ja 04, p.29

809 **Exemptions from general property tax**

See also under special classes of taxes; also 1283, Railways

812 **Charitable, educational and religious institutions and societies**

a Ga. Terrell. Exemption of college endowments recommended. 22 Je 04, p.7

818 **Assessment**

819 **General and miscellaneous. Return by taxpayer**

a **Miss.** Vardaman. Enactment of rigid laws enforcing full and complete assessment recommended. 19 Ja. 04, p.12

825 **Review. Equalization. Adjustment**

For equalization by state boards *see also* 801, General and miscellaneous

a **Ga.** Terrell, equalization of taxes, 22 Je 04, p.8-10.

b **Fla.** Jennings. " . . . In 1871 the Legislature created a state board of equalization to determine the real value of real estate in the different counties. This board made its report to the Legislature of 1872, which report was confirmed. Since that time there has been no power or board of equalization to determine the real valuations of real estate in the different counties. . . Property in some of the counties is assessed at 90% of its value, while in other counties it is assessed at less than 20% of its value. . . I recommend that a state board of equalization be created, consisting of the members of the Board of Commissioners of State Institutions. . . " 7 Ap 03, p.26

c **Ga.** Terrell. "The issues raised in connection with the efforts to collect the franchise tax again emphasize the necessity of devising some method for equalizing tax values. This matter has been frequently called to the attention of previous General Assemblies, by my predecessors, and in accordance with their recommendations a law of this nature was passed in 1891, which, without injustice, caused an increase of $19,000,000 in the returns for 1892, while the year following the repeal of the law there was a decrease of $11,000,000 in the returns. There were certain objectionable features in that statute which could have been easily cured by amendment, and it is unfortunate that the entire act should have been repealed instead of preserving those provisions which were wise and beneficial. The need of tax equalization grows with our increase in wealth and population. . . The fairer the taxpayer, the more onerous the burden. The state, in effect, offers a premium to him who shirks instead of to him who willingly and cheerfully complies with the spirit of the law. This is wrong, unjust and inequitable, and can only be cured here, as it has been cured elsewhere, by the creation of county boards authorized to examine returns, to see that omitted property is put on the books, and that property of the same kind and value is assessed and taxed alike. But even this does not fully meet the difficulty, for what is true of two neighboring citizens, may be equally true of neigh-

boring counties, or of those more remotely separated. . . "
24 Je 03, p.4-6

d **R. I.** Garvin. "It is now 10 years since the last valuation was made for the assessment of the state tax upon the several towns and cities. During that decade some municipalities have increased their local valuation by one fourth, or even one third, whilst a number of the smaller towns have materially fallen off in wealth, and, therefore in taxpaying ability. I recommend that a new basis of apportioning the state tax be adopted, to wit: the actual public expenditure of the several towns and cities. By basing the state tax upon the average expenditure of the respective municipalities for the five preceding years, including therein the expenditure of all districts into which any town may be divided, it would become an easy clerical task for the state treasurer annually to estimate and apportion the amount to be paid by each for the ensuing year. . . "
5 Ja 04, p.9-10

829 **Delinquent taxes. Tax sales. Redemption**

a **Ga.** Terrell. " . . . In a case recently decided by the Supreme Court, viz: Jones v. Stewart, at the present term, the court by a majority opinion ruled that under the tax act of 1900, the exclusive remedy for the collection of a special occupation tax was by indictment and conviction. . . In the opinion of the attorney general this decision will greatly impede the collection of special occupation taxes, and he thinks, and recommends, that the Legislature should amend the general tax act . . . so as to make the remedy by indictment cumulative, giving to the state the right to proceed both upon execution issued by the proper officer upon information, as well as the right to prosecute for a violation of the tax act. . . "
24 Je 03, p.16

832 **Business taxes. Revenue, license or privilege taxes**

833 **General. Business and privilege taxes**

a **Md.** Smith. "There is good reason to believe that the state loses a considerable amount of money annually because of the laxity with which the law requiring traders licenses to be taken out on May 1st is enforced. A premium is undesignedly put upon postponing the taking out of licenses as long as possible. . .

A privilege which is greatly abused by small traders, who thereby take advantage of the law, is that accorded female traders carrying a stock of $1000 or less to get a license for half

price. Many men conduct their business in the name of some obliging female merely in order to secure a reduction of $6 in the cost of a license, thereby evading the law and defrauding the state." 6 Ja 04, p.11

836 **Inheritance taxes**

a **Md.** Smith. "Concerning the office of register of wills, I would suggest the enactment of a law providing for the record in the regular administration account record of the payment of the collateral inheritance upon real estate. . . " 6 Ja 04, p.11

b **Mass.** Bates. ". . . I believe the [inheritance] tax should be not only on collateral, but also on direct inheritances, allowing exemptions within reasonable limits." 7 Ja 04, p.53

840 **Corporation taxes**

Including taxation by general property tax

841 **General and miscellaneous**

a **Mass.** Bates. "Under the old law, corporations were taxed on all their property, tangible and intangible. The value of the corporate franchise, once determined, became the basis of taxation. From this value no deductions were allowed, except for real estate and machinery taxed locally. No matter how much stock in other corporations which had already paid a tax, no matter how much taxable property was held outside of the state, no deduction could be made on account of it. Home corporations were therefore subject to double taxation. This resulted in an unjust burden, and was the principal obstacle to organization under our laws. On the other hand, foreign corporations doing business in this state were not taxed by the state, and the local taxation was upon their tangible property only. . . The law passed at the last session of the Legislature was designed to remedy this condition of affairs. By it domestic corporations have been placed upon practically the same basis as foreign. In effect it provides that taxation of Massachusetts corporations shall not be more than 20% in excess of the value of their tangible assets, less deductions for real estate and machinery taxed locally, property subject to taxation in other jurisdiction, and securities which, if owned by a natural person resident in this commonwealth, would not be liable to taxation. . . " 7 Ja 03, p.22-23

844 **Insurance companies**

See also 1730, Insurance

a **S. C.** Heyward. " . . . The report [of the comptroller general]

recommends many changes in our present insurance license laws, including a schedule of fees to be paid. . . Such a license law as outlined has been adopted by many states. It is now in force in North Carolina, and from what I can understand, is giving general satisfaction." 12 Ja 04, p.6-7

845 **Transportation and transmission corporations**

See also 1200, Transportation

a **Fla.** Jennings. "Many of the states have enacted laws taxing franchises. . . It is apparent that such a law is necessary in Florida to enable those charged with the assessment of property to comply with the statutory requirement of assessing property at its true cash value. If the owners of any class of property, used and enjoyed under franchises granted by the state, are permitted by law to charge the people for the use of that property a rate sufficient to produce a reasonable income upon its valuation, that valuation ought to be the basis upon which the property is taxed. . ." 7 Ap 03, p.26-28

b **La.** Heard. ". . . At present the Board [of Appraisers] only fixes the valuation of property and sends same to the local assessor to be placed on the assessment rolls of the parish. In doing so he extends whatever taxes may be chargeable against it, and on the amount of such charge the assessor collects the same commission as on all other assessments which are listed and valued by himself. It would seem better, therefore, if it were made the duty of the board to prepare rolls of the property assessed, extending on same all taxes to be collected, whether they be for state, parish, municipal, levee, drainage or school district purposes, and to send same direct to the tax collector and not to the assessor. . ." 9 My 04, p.59

c **N. Y.** Odell. "The steam railroads of our commonwealth paid in dividends in the year ending June 30, 1902, $18,975,339.50; the same corporations paid for taxes, $11,665,124.99; while the street surface railroads paid in dividends, $3,939,343.73, and in taxes, $2,456,881.82. In other words, the steam railroads, which practically own all the property upon which they operate, paid in taxes more than 60% of the amount which they paid in dividends; while the surface railroads paid in taxes about 64% of the amount paid in dividends. This latter percentage would be increased materially if the franchise tax suits now before the Court of Appeals should be decided in favor of the state. It is well known that the average rate of assessment in the state is not beyond 60%. While the recent raising of the assessment to a full valuation in the city of New York, may make some slight difference in the

average, it can not affect it materially. If property is assessed therefore at 60% and if its income for rental value is 6% upon the investment, it would pay but 25% of the income for taxation purposes. That is, that a $1000 house assessed at $600, upon a 6% rental valuation, would produce $60, of which $15 would go for taxation." 6 Ap 03, p.4-5

d **Wis.** La Follette. Special message recommending that bank examiner be authorized to make a thorough examination of railroad accounts to ascertain whether roads have made correct returns of gross receipts for taxation.

25 Ap 03, Senate Journal, p.848-50

e **Wis.** La Follette. Special message recommending adoption of maximum freight rates to prevent railroads from increasing rates to offset proposed increase in taxation.

7 My 03, Senate Journal, p.1006-9

848 # Budget

849 ## General

a **Fla.** Jennings, 7 Ap 03, p.3-11. **Ga.** Terrell, 24 Je 03, p.16-17. **Ga.** Terrell, 22 Je 04, p.21. **Ky.** Beckham, 5 Ja 04, p.9-12. **La.** Heard, 9 My 04, p.4-6. **Md.** Smith, 6 Ja 04, p.4. **Mass.** Bates, 7 Ja 04, p. 51-56. **N. J.** Murphy, 12 Ja 04, p.3-8. **N. Y.** Odell, 6 Ja 04, p.3. **O.** Nash, 4 Ja 04, p.3-12. **R. I.** Garvin, 5 Ja 04, p.11. **S. C.** Heyward, 12 Ja 04, p.4-9. **Tex.** Lanham, 2 Ap 03, House Journal, p.4. **U. S.** Roosevelt, 7 D 03, p.4.

b **Md.** Smith. " . . . It would seem impossible to further reduce the state tax rate of 17 cents on the $100 without crippling and even destroying the public school system of the state, as 4¾ cents of the state tax is alone devoted to the payment of interest on the state bonds and the creation of a sinking fund to pay the said bonds at maturity and when redeemable. The entire balance of the direct tax imposed by the state, 12¼ cents on the $100, is devoted to the support of the public schools and to the purchase of free textbooks, while as everyone knows all other expenses of the state government are paid from fees, licenses, fines, investments and other sources of revenue." 6 Ja 04, p.5-6

c **Mass.** Bates. "Under the act passed in the year 1900, before referred to, the entire expense for the care of the insane is placed upon the commonwealth from and after the first day of January in the present year, and the cities and towns are relieved therefrom. . . Hence the state tax must be largely increased each year, beginning with the present, in order to pay this extra expense,

Appropriation. Limit of expenditure

pass upon the necessity or the desirability of such publications, yet I do believe that we should insist upon these items being provided for in the annual appropriation bill to the end that we may know definitely and with certainty the cost of such printing. . . " 6 Ja 04, p.26

b **Va.** Montague. " . . . The appropriation act expired on Sep. 30 last, and from that date to this hour the disbursements for the support of the government have been in plain violation of law. . . I am therefore constrained to repeat my former recommendation for a change of date of the term for which appropriations should commence, thus affording a remedy at once simple and complete." 13 Ja 04, p.5-6

852 **Governor's contingent fund**

a **Md.** Smith, 6 Ja 04, p.7.

b **Ia.** Cummins. " The 29th General Assembly appropriated $35,000 and put it at the disposal of the Executive Council to meet such contingencies as the destruction, by fire or other casualty, of the public property of the state . . . " 12 Ja 04, p.8

853 Accounts. Methods generally. Collection of moneys. Warrants

854 **Collection of state claims and revenue**

a **Fla.** Jennings, 7 Ap 03, p.8-10. **S. C.** Heyward, 12 Ja 04, p.8.

856 **Examination and audit**

a **Fla.** Jennings, expert examiners, 7 Ap 03, p.56.

b **Md.** Smith. " The clerical force of the [tax commissioner's] office is somewhat hampered and subjected to inconvenience, owing to the absence of any contingent fund for the use of the commissioner to meet the petty expenses which occur in every office constantly. All expenses of that character are now paid through the comptroller's office, which necessarily entails some delay and gives the comptroller additional work. There is no reason why the tax commissioner should not have a sufficient fund placed at his disposal to meet contingent expenses, the same to be properly accounted for, as are other contingent funds. . . "
6 Ja 04. p.36

c **Va.** Montague. " The recommendation made in my last message for the reorganization of our Treasury Department by making the first auditor an officer of audits and receipts only, and by

[illegible] the overall auditor the duty of disbursement, thereby providing that these two officers, together with the treasurer, form a check one upon the other, is removed. . . "

13 Ja 04, p7

[illegible]

[illegible]

a [illegible]

b M. J. Murphy. "I suggest to the Legislature the advisability of creating the office of auditor of state accounts, the same to be filled by a professional accountant. . . . As it is at present there is no careful audit of the disbursements, and while I have no reason to question the honesty of any state official, I think in view of the large sums expended that it would be a satisfaction to the people of the state to know that the money which is spent during each year is properly expended in accordance with the law. A professional auditor charged with the duty of examining these accounts could make such a report each year to the Legislature."

22 Ja 04, p7-8

[illegible]

a Mark Bates. "The financial year now ends on Dec. 31. This comes at near inauguration day that it is almost impossible to prepare accurate information as to the last fiscal year in time for the consideration of the Legislature. If the year ended on Sept. 30, it would be possible for the information to be presented in a much more satisfactory manner. The financial year of the institutions now ends on Sept. 30, so that the adoption of this suggestion would make the fiscal year of the state and that of the institutions the same. This would be an advantage.

Appropriations for institutions are now made for the political year, with the result that the reports are for a different year than that of the appropriations. . . The appropriations should be for the fiscal year, each institution having a right, as now, to incur expense in anticipation of its appropriation in proportion to the amount of the one last made. . . "

7 Ja 04, p.57

861 **Funds. Investments**

a M. Y. Odell. "In 1837 the United States government distributed a certain portion of its surplus to the various states under a statute which provided for the loaning of such money to individuals. This fund is known as the United States deposit fund. Two loan commissioners are appointed in each county.

whose duty it is to supervise the loaning of these moneys. . . The result of the operation of this law has been that the interest upon it has averaged but 2.2%, while other funds invested by the state comptroller have an average of 3.75%. . . I would suggest, therefore, the amendment of the existing statute so as to permit the loaning of this fund upon municipal and local bonds in order that the state may be more fully protected and a larger rate of interest secured. . . The Legislature in the year 1897 did make an amendment as suggested above, but objections were raised perhaps because of calling in of loans, thereby imposing certain hardships, and the law was repealed at the next session of the Legislature. . . " 6 Ja 04, p.31-32

865 **Debts. Bonds**

a **Fla.** Jennings, 7 Ap 03, p.4-7. **La.** Blanchard, 16 My 04, p.14. **Md.** Smith, 6 Ja 04, p.4. **Mass.** Bates, 7 Ja 04, p.53-55. **N. Y.** Odell, 6 Ja 04, p.3-4. **O.** Nash, 4 Ja 04, p.8-10. **S. C.** Heyward, 12 Ja 04, p.7. **Va.** Montague, 13 Ja 04, p.5.

b **Fla.** Jennings. "The interest paid on the state debt in 1900, amounting to $66,920, which, taken as an average interest for the 30 years, shows that the people of Florida have paid $2,007,630 interest on $1,032,500, and that not $1 has been paid on the principal of the present outstanding bonded indebtedness during the past 30 years, save that represented by bonds in the sinking fund. . . I recommend that . . . the bonded debt of Florida be paid and discharged, and the taxpayers be thus finally—and it is to be hoped forever—relieved from the burden of paying interest that brings no return, and should be no part of the economic government of a state of the resources of Florida."

7 Ap 03, p.6-7

c **La.** Heard. "In 1914 the entire bonded indebtedness of the state, amounting to $11,108,300, will fall due, and it will be the part of wisdom to begin, at least, to provide by proper legislation for the liquidation of this debt, either by the exchange of the present 4% bond for a bond bearing a lower rate of interest for a limited number of years or providing for the sale of a new issue of bonds, bearing, say, 3% interest for a term of 50 years. . . " 9 My 04, p.6

d **Miss.** Vardaman. " . . . It is discreditable to the ability of her public servants and the financial integrity of the state to have its paper bandied about like the overdue obligation of a derelict bankrupt. I believe that permanent public improvements should be made and that a portion of the burden should be borne by pos-

[illegible] There is no economy and less justice in requiring the present generation to pay for this capitol [illegible] taxpayers 10% per annum, when [illegible] 19 Ja 04, p.12

[illegible] [canal improvement] referendum provides [illegible] and the payment of the debt in 18 years. [illegible] that the general expectation is that some other method may be devised. To return either to a direct tax or to [illegible] existing tax laws is far from desirable. New [illegible] has interested wealth has resources which would seem to make it unjust a profligate use of funds to burden the [illegible] with unnecessary interest charges. The present law provides [illegible] years for interest $[illegible],540,000. If the period be extended [illegible] years the expenditure for the same purpose would be $[illegible],500,000. The additional sum in both cases is in addition to the [illegible]. What is it we seek to escape and what benefits [illegible] from this [illegible] waste of public moneys? New [illegible] has a valuation of nearly [illegible] billions of dollars. . . If the [illegible] were spread over 18 years the probable period of construction, the yearly tax would be but $[illegible] per thousand. [illegible] to escape, or rather to put off for 18 years the [illegible] of the debt, the intention is to burden ourselves with interest charges equal to [illegible]% of the principal. . . Assuming [illegible] and that the period of construction [illegible] $[illegible],000,000 shall be paid by the state [illegible] the [illegible] will [illegible] upon the counties. If [illegible] during the remaining [illegible] years [illegible] millions [illegible] on their assessed [illegible] the state's contribution of [illegible] will be [illegible] of this the whole sum that [illegible] of the [illegible] 1%. Assuming that the [illegible] $[illegible],000,000 the whole cost will be as [illegible]

[illegible]	$55,500,000
[illegible]	50,500,000
[illegible]	12,750,000
[illegible]	$119,750,000

6 Ja 04, p 5-10

867 **Temporary debt**

a La. Heard: repayment of certain temporary loans, 10 D 03, House *Journal*, p 6-7.

868 **Deposits and depositories**

a **Ia.** Cummins. "The average monthly balance in the depositories selected by the treasurer and approved by the Executive Council during the last year has been more than $1,000,000. I can conceive of no reason why the banks in which these funds are deposited should not pay interest to the state upon balances at the rate which they customarily pay to other depositors. . . I believe . . . that the law should be amended so as to provide for taking interest upon balances, if such arrangement can be made. The amendment should also provide that the state shall pay the premium to a surety company for the treasurer's bond. The bond required of him is too large for personal sureties, and the premium to a surety company, if paid by him, would more than consume his entire salary." 12 Ja 04, p.7-8

b **Miss.** Vardaman. Creation of a system of state depositories recommended. 19 Ja 04, p.13

c **N. J.** Murphy. "It is interesting to observe in the receipts the item of over $54,000 from interest on the deposits of the money of the state kept in the various banks. This is a new item of state revenue, and this report is for the first full year after the passage of the law requiring the banks to pay an interest of 2% on the money of the state held by them, and indicates the amount that may reasonably be expected from this source so long as the present policy of retaining a large balance in the treasury is continued." 12 Ja 04, p.5

d **O.** Herrick. ". . . I would recommend the passage of a state depository law similar to those in effective operation in other states . . . " 11 Ja 04, p.4

870 # Public order

See also 234, **Crimes and offenses**

872 ## Police

875 ### Municipal police

a **R. I.** Garvin. The giving to mayors of cities the appointment of policemen, recommended. 5 Ja 04, p.13

877 **Miscellaneous police regulations**

See also 1065, Nuisances; 1090, Public safety

879 **Amusements**

Relating chiefly to restricted amusements

883 **Gambling. Lotteries. Betting**

a **La.** Blanchard. "The Constitution of the state denounces gambling as a vice, and expressly puts upon the Legislature the duty of passing laws to suppress it. It is not believed that the present antigambling statutes are adequate, and their revision and amendment is something that should engage the attention of the General Assembly." 16 My 04, p.17

900 **Intoxicating liquors. Narcotics**

902 **Prohibition**

903 **Dispensaries**

a **S. C.** Heyward. ". . . Taking the state as a whole it is evident that this system [state dispensary] is considered the best solution of the question when properly regulated and enforced." 12 Ja 04, p.32-33

904 **Local option**

a **Mass.** Bates. Special message recommending repeal of law permitting sale, in no-license communities, of imported liquors in original package. 8 Je 03

921 **Intoxication. Inebriates**

922 **Institutions. Treatment**

a **Ia.** Cummins. "The report of the Board of Control, concerning the operation of the law for the care and confinement of inebriates, passed by the 29th General Assembly, merits your most serious consideration. . . I believe that the general principle of the law should be preserved, for its influence upon men given to habits of intemperance, but who fear the humiliation of confinement, has been widespread and effective; but I say without hesitation that if it can not be amended it should be repealed. The plan of sending inebriates to insane hospitals is bad, not only for the inebriates, but for the insane. . . . . The minimum term of confinement should be one year. . . . . When physically able, inebriates in confinement should be given an opportunity to work and be required to do so. . . . . It cer-

tainly ought to be true that upon a violation of the terms of the parole the patient could be returned summarily to the place of detention, and yet, as I understand the statute, if the paroled inebriate makes his reports regularly, he can not be returned, even though it is known that he is drunk every day. . . " 12 Ja 04, p.14-15

b **S. C.** Heyward. " . . . There seems little doubt as to the need of the separation of inebriates and epileptics from the insane proper . . . Such inmates should be placed in separate buildings upon the present property." 12 Ja 04, p.18

927 ### Mob violence

a **Ia.** Cummins, calling out of militia to preserve order during strike at Dubuque, 12 Ja 04, p.26.

b **La.** Heard. "I specially commend to your consideration the views of [the attorney general] upon the subject of mob violence, and I suggest the enactment of his recommendations into law." 9 My 04, p.30

c **La.** Blanchard. "There will be a rigid enforcement of law and order. . . Mob violence in contravention and defiance of law will not be tolerated. Lynchings will not be permitted under any circumstances, if it be possible for the military, at the command of the governor, to get there in time to prevent it. And if they occur before the intervention of the executive can be made effective, inquiry and investigation will be made and prosecution instituted. Sheriffs will be held to the strictest accountability possible under the law for the safety from mob violence of persons in their custody. . . " 16 My 04, p.15

d **S. C.** Heyward. "The occurrence of lynchings from time to time in our state is deplored by all believers in law and order. . . Theoretically speedy trials offer the best remedy, but smarting under the horrors of the outrage, even the most law-abiding communities may hesitate to expose to further indignity the shrinking victim. While this is all true, crime in any form can not be extenuated. . . Under our law an attempt to commit rape is punishable by imprisonment for a period not longer than 10 years. This, in my judgment, should be changed, and the penalty inflicted should be imprisonment for life. 12 Ja 04, p.31

930 # Public health and safety

932 ## General Supervision

See also 2160, Sick and disabled

a **Fla.** Jennings. 7 Ap 03, p.56. **Ky.** Beckham, 5 Ja 04, p.22-23.

La. Heard, 9 My 04, p.49-50. Md. Smith, 6 Ja 04, p.22. S. C. Heyward, 12 Ja 04, p.20.

938 **Vital statistics**

a S. C. Heyward, 12 Ja 04, p.20.

b N. Y. Odell. "The bureau of vital statistics of the Department of Health is the custodian of all records of births, deaths and marriages which have occurred since the establishment of the State Board of Health in 1880. . . Additional facilities for filing and for permitting the inspection and preservation of these records should be provided." 6 Ja 04, p.33

955 **Adulteration. Inspection of articles liable to affect public health**

See also 1466, Adulterations and imitations

956 **General**

a N. Y. Odell, 6 Ja 04, p.36. S. C. Heyward, 12 Ja 04, p.21.

b Fla. Jennings. "I wish to emphasize the recommendation of the . . . commissioner of agriculture for the necessity of the passage of a pure food law. An act was passed by the Legislature of 1901 on this subject, but, after a careful consideration thereof, it was deemed best that I should withhold my approval thereof upon the grounds stated. . . " Law recommended requiring inspection of food stuffs and beer by state chemist. 7 Ap 03, p.51

1018 **Communicable diseases**

See also 1143, Communicable diseases of animals

1023 **Quarantine and isolation**

1025 **Leper homes**

a La. Heard, 9 My 04, p.56-57.

1026 **Protective inoculation**

1027 **Vaccination**

a Md. Smith. "Systematic vaccination is the cheapest and only effective way to check the disease [smallpox] . . . The office of the state vaccine agent should be more generously provided for, so that he may be enabled to furnish the best and purest virus in quantities sufficient for every need." 6 Ja 04, p.23

1030 **Special diseases**

1042 **Tuberculosis**

a **Md.** Smith. " . . . I wish to invite your notice to the exceedingly clear, painstaking and comprehensive report of the [Tuberculosis] commission created by act of 1902. . . . The loss in the productive capacity of the state by reason of the great number of people incapacitated by tuberculosis, and those whose time must be given to nursing the sick must be enormously greater than the cost of caring for the sick in scientifically arranged institutions, and adopting simple precautionary measures." 6 Ja 04, p.23-25

b **N. J.** Murphy. "At its last session the Legislature made an appropriation for the building of a sanatorium for the consumptive poor, but by an oversight the law authorizing the construction of the building was not passed. . . " 12 Ja 04, p.9

c **O.** Nash. Report of commission to investigate the desirability of establishing tuberculosis sanatoriums. 4 Ja 04, p.20-21

d **R. I.** Garvin. "I . . . recommend that . . . $50,000 be appropriated in order that the state sanatorium for tuberculous patients may be furnished and put into use forthwith. . . " 13 S 04, p.8

1065 # Nuisances (general). Miscellaneous health regulations

See also 1191, Drainage; 2660, Sewerage

1079 **Pollution of water**

See also 932, General supervision; 2660, Sewerage

a **N. Y.** Odell. " . . . Inasmuch as typhoid fever is very frequently caused by polluted supplies of potable water, it is now classed as a preventable disease. The general acceptance of this view resulted in the passage of chapter 468 of the laws of 1903, entitled 'An act to amend the public health law relative to the discharge of sewage and other waste matter into the waters of the state.' . . A complete record of the sources of public water supplies, and the possible conditions which may produce epidemics of typhoid fever or other infectious diseases, should be secured by the health commissioner, and I recommend that an appropriation be granted by the Legislature for this purpose." 6 Ja 04, p.32

1082 **Signs. Advertisements**

a **N. J.** Murphy. "I venture, with some diffidence, to call the attention of the Legislature to the increasing number of advertising signs located on the various lines of railway throughout the state, in the hope that some means may be devised not only to prevent their increase, but to remove those already in existence.

ic safety

New Jersey is a beautiful state, with an attractive and varied landscape. This is gradually being shut out from view of the traveler. On the leading line of railway between Jersey City and Trenton there were in the early part of December, by actual count, 1601 signs. They are of all kinds and sizes. They are disfigured by all sorts of effigies of impossible men and women, and they advertise remedies for all the ills that human flesh is heir to, as well as all sorts of foods and drinks, and the various contrivances born of human ingenuity. . . I am told by the lawyers that the problem is difficult, but I have thought that perhaps the solution might be through taxation—made so high as to be effective. In the interest of a suffering and indignant public I present the subject to the Legislature in the hope that they may be able to find a remedy."

12 Ja 04, p.10-11

1090 **Public safety**

Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 2044, General workshop regulations

1092 **Fires**

1093 **Fire marshals. Inspector**

a **Md.** Smith, 6 Ja 04, p.34.

1099 **Buildings: sanitation and safety**

See also 2044, General workshop regulations

a **Mass.** Bates. "The terrible catastrophe that has recently befallen the city of Chicago was one that wise laws and their rigid enforcement might have prevented. . . I believe that this is work that the Legislature should not undertake without having at hand the results of an investigation by experts; and I therefore suggest the earliest possible action looking to the appointment of a commission for this purpose, in order that legislation may speedily follow." 7 Ja 04, p.26-27

1109 **Public halls**

a **Md.** Smith. "The narrow duties of the fire marshal might profitably be enlarged so as to clothe him with authority and power to investigate the construction and arrangement of buildings designed for use as places of amusement and to house large crowds of people, with a view to determining their safety and the conveniences for escape in case of fire. . . " 6 Ja 04, p.35

1112 **Floods. Life saving**
See also 1197, Levees and dikes

1113 **Floods**

a **Kan.** Bailey. "The floods which have recently swept over a portion of our fair state have created conditions unusual and extraordinary. . . In some of the counties, those charged with the responsibility of repairing these great losses find themselves helpless under the law to meet these unusual and extraordinary conditions and it is for the purpose of giving such enabling legislation as is necessary to meet these emergencies, caused by the recent floods, that I have exercised the power vested in me by the Constitution of our state to convene the Legislature in extra session. . . " Special message, 24 Je 03

1143 **Communicable diseases of animals**

1144 **General. Inspection and supervision**

a **Md.** Smith, 6 Ja 04, p.26.

b **La.** Heard. "The commissioner [of agriculture and immigration] renews the recommendation made in his last report, that greater protection should be given the live stock interests against the dangerous and fatal contagious and infectious disease to which farm animals are susceptible, and he recommends that his department be given the necessary means and authority to cope with the subject on the lines adopted by some of the other states."
9 My 04, p.16

1180 # Control of waters

1182 **Irrigation. Water rights, power, storage**

a **U. S.** Roosevelt, 7 D 03, p.20.

1191 **Drains. Dikes. Levees**
See also 1182, Irrigation; 2660, Sewerage

1192 **General. County and township ditches. Drainage districts**

a **Fla.** Jennings, 7 Ap 03, p.67-78.

b **Fla.** Jennings. ". . . Drainage of the everglades is entirely feasible and practicable, thus reclaiming 3,760,000 acres, a large

grade. . . If the state is to continue along this line it would be well to define some maximum limit to which it should go, and the whole work thereafter should be under the control of the Railroad Commission, appropriations being made in accordance with their recommendations. It would be well also to prohibit by statute any future grade crossings in the state in the construction of railroads so that this expense may be guarded against in the future. . . " 6 Ja 04, p.28

1336 **Street railways. Rapid transit**

1352 **General supervision**

a **O.** Herrick. "The rapid growth of interurban railroads, street railroads, and other quasi public corporations, and the apparent demand for their enlargement in the next few years, render it desirable that they shall be regulated and governed by wise legislation, that will encourage the investment of capital to the extent that it is necessary to meet the demands and requirements of the pubic; that will insure it protection when invested, that such corporations shall be so regulated that the public shall secure the most efficient service at reasonable cost." 11 Ja 04, p.5-6

1365 **Fares. Passes**

a **R. I.** Garvin. Three cent fares for the street railways of Providence recommended. 5 Ja 04, p.13

1383 **Canals**

1386 **Public ownership and aid**

a La. Heard, New Basin canal, 9 My 04, p.63. **O.** Nash, report of special canal commission, 4 Ja 04, p.21. **U. S.** Roosevelt, Isthmian canal, 7 D 03, p.26-36.

b **N. Y.** Odell. "The adoption of the referendum for the enlargement of the canal system of the state brings to us responsibilities which call for sound judgment and conservative treatment. . . The Expert Board provided for in the act will be soon appointed by me. I hope to take such action at this initial period of the work as will take the whole project out of political surroundings. Merit should and will be the sole test in the selection of its individual members. That the board may be unhampered in its work it is desirable that the terms of office of its members should be coincident with the period of construction, and that removals

should be for cause only upon charges duly sustained. . . The change in route, the abandonment of the present canal in part, the purchase of other property, should receive careful attention. A board of appraisers of say three members should be authorized to effect settlements with owners. If, as I am firmly convinced, no mistakes have been made, then the most important subject left for the consideration of the Legislature is that of providing ways and means for the raising of the money to be expended. . . "
6 Ja 04, p.4-11

c **O.** Nash. " . . . Undoubtedly during a large number of years the canals have been a burden to the state. Their friends claim that this burden is offset by the indirect benefits received by the people from them. This burden ought not to continue to be borne, unless the public works are modernized, so that they will at least become self-sustaining. . . " 4 Ja 04, p.22

1422 # Commerce and industry (general)

a **Mass.** Bates, 7 Ja 04, p.37-38.

1424 ## Weights and measures

1425 **General**

a **R. I.** Garvin. Sealer of weights, measures and balances recommends that an equitable scale of fees for testing scales be adopted; also that milk jars and coal baskets be required by law to be of standard capacity. 5 Ja 04, p.14

1464 ## Adulterations and imitations. Branding Inspection

See also 955, Adulterations liable to affect public health

1466 ### Adulteration. Inspection

1493 **Petroleum products**

a **Fla.** Jennings. " . . . I recommend . . . that a law be enacted requiring an inspection of illuminating oils by the state chemist. . . " 7 Ap 03, p.51-52

b **Ia.** Cummins. "I concur in the recommendation of the secretary of state to the following effect: All supplies furnished to [oil] inspectors should be bought and furnished by the Executive Council. Dealers in oils, when giving notice to the inspectors of the arrival of oil, should inform the secretary of state of the quantity to be inspected." 12 Ja 04, p.21

Warehouses. Markets

Tobacco warehouses

a [illegible]

Encouragement of industries

Expositions

[illegible]

b Louisiana Purchase Centennial

a Ga. Terrell, 22 Je 04, p.14-16. Ky. Beckham, 5 Ja 04, p.19. La. Heard, 9 My 04, p.67-68. Md. Smith, 6 Ja 04, p.43-44. Mon. Toole, 16 My 04, p.5-6. Ok. Hamlin, 21 Ja 04, p.7. S. C. Heyward, 12 Ja 04, p.28-36. U.S. Roosevelt, 7 D 03, p.17.

b La. Heard. Special message relating to disposal of state exhibits at Louisiana Purchase Exposition. 24 Je 04

Resources and attractions. Immigration

a Ga. Terrell, collection of an exhibit of the resources of the state, 22 Je 04, p.13-14.

b Ga. Terrell. "The scarcity of labor during the growing and harvesting season has become a serious problem to the farmers of Georgia, and similar conditions throughout the Southern States have checked the production of cotton. . . Immigration may be best encouraged through a state commission, and I recommend that one be established. . ." 22 Je 04, p.5

c La. Heard. "By the energetic efforts of the Department [of Agriculture and Immigration] a large number of real estate and colonists excursions have been induced to come to this state during the past two years and these excursions have been attended with such splendid results as to justify the commissioner in the opinion that Louisiana has accomplished more along these lines during that period than any state in the South. Organizations to assist in advertising the state and securing immigration to their several localities have been perfected in 30 parishes through the assistance and cooperation of this department. These organizations number 45 and the influence of their work can not be overestimated." 9 My 04, p.16

d Md. Smith. "The Board of Public Works undertook the publication of a book on the resources of Maryland, as authorized by chapter 512 of the acts of 1902 . . The book contains much valu-

able information and is written and illustrated attractively. It is in great demand and has been widely distributed, thereby attracting attention to our advantages and resources." 6 Ja 04, p.34

e **Md.** Smith. " . . . Within the past' 18 months the Bureau [of Immigration] has been largely instrumental in locating over 4000 settlers in Maryland, who came here principally from Austria. Germany and Great Britain, and also from other states of the Union. The bureau has aided in finding a market for nearly 35,000 acres of land, sold to these immigrants . . . " 6 Ja 04, p.38

f **Miss.** Vardaman.Encouragement of immigration, and the investment of foreign capital in this state, by just treatment and equal taxation recommended. 19 Ja 04, p.12

g **S. C.** Heyward. " . . . Nearly all of the Northern and Western States have bureaus of immigration, with a commissioner in charge, and every effort is being made to attract desirable settlers. Many of the Southern States also are at work. Alabama has such an office, with a commissioner of agriculture and industries, and much has been accomplished for the state. North Carolina has an immigration department connected with the Department of Agriculture, and Maryland maintains such a department under the direction of a commissioner of the land office. . . I . . . recommend . . . the establishment of a bureau of commerce and immigration, with a secretary or commissioner in charge of this department." 12 Ja 04, p.25-26

:677 # Banking

See also 500, Corporations

:678 ## General

Including all provisions relating to banks of deposit or relating to two or more of the following classes.

:679 ### General and miscellaneous

a **La.** Heard, 9 My 04, p. 33-34.

b **R. I.** Garvin. " . . . The people of Rhode Island are entitled to the protection accorded in most of the other states by state bank examiners and by other restrictions upon loose banking. . . " 5 Ja 04, p.11

c **S. C.** Heyward. " During the past year my attention was called to an act passed by the General Assembly in 1896, creating the office of state bank examiner, and I was requested to appoint such an officer. Investigation revealed the fact that no such appointment had ever been made . . . The law is defective, first, in that

there is no provision made as to what officer shall pay the salary of the examiner . . . The provisions of the act require that the state banks should be responsible for the payment of the salary of such an officer, but . . . there is no summary process to compel the banks to pay assessments for this purpose. An insuperable difficulty . . . is that no appropriation has been made for this purpose, and the Constitution specifically requires that money shall be drawn from the treasury only in pursuance of an appropriation made by law. While I do not believe in the principle of taxing corporations to pay the salaries of state officers whose duty it is to examine and control them, still, should you, gentlemen, deem it wise to perfect the act as it now stands, I would respectfully offer the following suggestions: First, that the salary named be increased to an amount sufficient to command the services of a capable man, who is also an expert accountant. . . I would suggest secondly, should this appointment be made, that rules and regulations for state banks be fixed by statute, similar to those legal restrictions governing the duties of a national bank examiner."

12 Ja 04, p.34

1680 **Inspection. Reports. Departments**

a O. Herrick. "Under the provisions of the national banking law, frequent examinations are made by competent examiners of the condition and soundness of banks established under the laws of the United States. Unfortunately, institutions established under the laws of the state of Ohio for banking purposes have, in some instances, met with disastrous failure, which might have been prevented and the public warned if a similar system should be established for them. . . I recommend either the establishment of a state banking department or the enlarging of the powers of the state auditor, so that all banking and trust companies incorporated under our state laws shall be subjected to thorough and confidential examination . . . " 11 Ja 04, p.5

1697 ## Trust and safe deposit companies

1698 ### General and miscellaneous

a Mass. Bates. "Formerly, no corporations were organized except under special acts. We have now, however, general laws covering nearly all classes of corporations. . . Two years ago a commission was directed to investigate and report a general law for the formation of trust companies. . . I believe it to be time for the adoption of such a law." 7 Ja 04, p.45-46

1707 ## Savings banks

1708 ### General and miscellaneous

a **Mass.** Bates, 7 Ja 04, p.34.

1712 ### Deposits

a **Mass.** Bates. "Prior to 1876 the savings banks were permitted to place deposits on interest either monthly or quarterly, it being optional with the banks to adopt either system. Since that time, however, the statute has provided that deposits shall be placed on interest only once in three months. . . The more often the period for the beginning of interest, the greater the inducement for frequent deposits. I suggest, therefore, that the law be so changed that the banks may be permitted, as formerly, to place deposits on interest once a month." 7 Ja 04, p.34-35

1730 # Insurance

See also 500, Corporations; 844, Taxation of insurance companies

1731 ## General (all classes)

1732 ### General

a **La.** Heard, 9 My 04, p.8-10.

b **Ia.** Cummins. "I call especial attention to that part of the auditor's report relating to insurance. . . I was formerly of the opinion that an independent insurance department should be created, but I have changed my mind . . . I concur in the recommendation of the auditor that he should have the authority to employ at a yearly salary an examiner and actuary, with such other clerical assistance as may be necessary. . . I concur also in the recommendation that an effort be made to define what a contract of life insurance is. . . I concur most heartily in the recommendation relating to reinsurance or consolidation. It is highly necessary for the protection of policy holders that the state shall determine the conditions under which one company shall be absorbed by another. . . Upon my own behalf I earnestly urge upon you an amendment to the law which shall provide that all fees paid by insurance companies for examinations, or for any other service rendered under the direction of the state, shall be paid into the state treasury, and that whatever compensation is allowed to those who perform the work, shall be paid by the state. As the law now is, the insurance companies pay to the examiners whatever sum may be charged for service and expense, and the examiners make no account of it whatever.

The practice affords opportunities for wrongdoing that are intolerable in a state which cherishes a reputation for integrity and fair dealing. . . " 12 Ja 04, p.9-10

c **N. Y.** Odell. "It is suggested that the insurance law be so amended as to provide that cooperative insurance companies' certificates be filed in the Insurance Department, instead of in the secretary of state's office . . . It is also recommended that certificates of corporations, incorporated under the insurance law, shall be filed with the Insurance Department alone. . . " 6 Ja 04, p.30

d **O.** Nash, amendments to insurance laws proposed by superintendent of insurance, 4 Ja 04, p.23.

e **R. I.** Garvin. Insurance commissioner recommends state supervision over financial institutions to a greater extent and that laws be passed regulating beneficiary associations. 5 Ja 04, p.14

1733 **State departments**

a **Md.** Smith, 6 Ja 04, p.37.

1753 Life and accident

1759 Mutual insurance

1761 Fraternal beneficiary societies

a **Mass.** Bates. " . . . The insurance departments of all the states have for more than a year been giving special attention, in conference with the fraternal leaders, to drafting a measure that will tend to the conservative protection of these vast interests. . . " 7 Ja 04, p.33

1763 Fire and other casualty

See also 791, Insurance of public property; 1092, Fires

1764 General and miscellaneous

a **La.** Heard. " . . . As a business proposition, it seems paradoxical that, while the volume of insurance business has increased with the general prosperity of the state and the ratio of losses has diminished, the premium rate has steadily increased. The inference is that we are paying for losses of other people and other commonwealths. . . The chief of the Department of Insurance suggests that the companies be permitted to maintain a joint inspection bureau to inquire into physical conditions of all fire risks located in this state as a means for the proper adjustment of premium rates and equitable dealings between insurers and insured. While I am not prepared to fully indorse this suggestion, it is worthy of your most serious consideration. A legislative com-

mittee, composed of experts, acting with the insurance commissioner, with authority to send for persons and papers, might be able to formulate a plan as a basis for suitable legislation, by which the desired results may be obtained. . . " 9 My 04, p.9-10

b **Miss.** Vardaman. System of laws governing fire insurance companies, "which will bring about cheaper rates of insurance, discourage arson and encourage honesty," recommended. 19 Ja 04, p.12

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Navigation. Waterways

See also 1383, Canals

03 **Harbors**

a **La.** Heard, Board of Commissioners of the Port of New Orleans, 9 My 04, p.64-66. **Mass.** Bates, 7 Ja 04, p.5.

22

Agriculture

See also 955, 1466, Adulteration; 1143, Communicable diseases of animals; 2344, Agricultural schools

24 **Supervision and encouragement (general)**

25 **General**

a **La.** Heard, 9 My 04, p.14-19. **N. Y.** Odell, 6 Ja 04, p.36.

26 **State departments**

a **Mass.** Bates. "The State Board of Agriculture . . . is composed of the governor, lieutenant governor, secretary of the commonwealth, the president of the Massachusetts Agricultural College, the chemist of the board, the secretary of the board,—all of whom are members ex officio; there are also three members appointed by the governor and one appointed from and by the Massachusetts Society for Promoting Agriculture, and one by each of the agricultural societies receiving an annual bounty from the commonwealth. Thus there are over 40 members of the board. The secretary, who is its executive officer, is elected by it.

The Dairy Bureau is nominally under the Board of Agriculture, and is composed of three of its members. These members are not selected by the board, but are appointed by the governor. There is a cattle bureau, nominally under the Board of Agriculture, and a part of it, but practically separate from it. This bureau is composed of a single commissioner, known as the chief of the Cattle Bureau. He is appointed by the governor. . . The agricultural interests of the commonwealth have the right to a state department, with a single commissioner at its head, appointed by the governor, with deputies acting under

him, having charge respectively of the cattle, dairy and forestry interests, and possibly of the farmers institutes. I would retain the board as an advisory board to such a department, with meetings to be held by it at stated intervals. . . " 7 Ja 04, p.41-44

1828 **Experiment stations**

See also 2344, Agricultural schools

a **Fla.** Jennings, 7 Ap 03, p.15. **La.** Heard, 9 My 04, p. 16-18.

1829 **Farmers institutes. Reading circles. Lectures**

a **Ga.** Terrell, 22 Je 04, p.11. **La.** Heard, 9 My 04, p.14-15.

1832 **Statistics. Weather and crop service**

a **La.** Heard, 9 My 04, p.14.

1834 ## Associations. Fairs

1835 **General and miscellaneous**

a **La.** Heard, 9 My 04, p.15.

1842 ## Horticulture. Diseases and pests

1846 **Boll weevil**

a **La.** Heard. Message to special session called to consider measures to prevent the invasion of boll weevil.
10 D 03, House Journal, p.4-7

b **La.** Heard. "At the extraordinary session of the Legislature in December last, this [Crop Pest] Commission was created with plenary powers to prevent the invasion of the Mexican boll weevil into the cotton fields of our state, and to adopt such measures as might be found necessary for their extermination. The commission was organized in February of the present year, and at once adopted rules and regulations and established quarantine restrictions upon all infected products from the infected counties in the state of Texas. . . " 9 My 04, p.20-21

c **U. S.** Roosevelt. "The cotton-growing states have recently been invaded by a weevil that has done much damage and threatens the entire cotton industry. I suggest to the Congress the prompt enactment of such remedial legislation as its judgment may approve." 7 D 03, p.22

1890 ## Forestry

See also 1598, Arbor day; 1742, Roads

1891 **General supervision**

a **Fla.** Jennings. " . . . The turpentine men and the lumber men are destroying their source of supply without respect to their own or to the sovereign welfare of the state . . . In my opinion, they

[the forests] should be protected by the enactment of a law on this subject fixing the period within which time trees should be cut or 'boxed,' limiting the size of the trees that should be boxed, regulating the number of boxes per tree, and otherwise protecting our forests." 7 Ap 03, p.49-50

b **Mass.** Bates. "Legislation is needed for the preservation and growth of forests. . . I suggest legislation that shall provide for the appointment of a state forester, competent, by education, special training and practical experience, to direct to the best advantage the efforts of towns and individuals in this matter, and capable of wisely planning and developing on a broad policy state forest reservations. . . Three million acres, or three fifths of the area of the state, are at the present time either woodland or waste land. . . We have a law permitting town forest reserves, but it has not been effective. We must adopt a more adequate policy." 7 Ja 04, p.39-41

c **O.** Herrick. " . . . It is evident that the state of Ohio should awake to the benefits to be derived in replacing, to some extent at least, the trees and forests which have disappeared. . . " 11 Ja 04, p.8

d **S. C.** Heyward. " . . . Our rapidly disappearing forests . . . are one of our great natural resources, and would so remain with proper care and protection. . . A process of gradual protection and replenishment will bring incalculable benefits not only to us, but to the generations that are to follow. In many of our states and in most of the older countries, the government takes an active interest in forest preservation, and until we can do something better I would like to see Arbor Day observed in every county in South Carolina . . . " 12 Ja 04, p.36-37

e **U. S.** Roosevelt. " . . . The government's forest work should receive from the Congress hearty support, and especially support adequate for the protection of the forest reserves against fire. The forest reserve policy of the government has passed beyond the experimental stage and has reached a condition where scientific methods are essential to its successful prosecution. The administrative features of forest reserves are at present unsatisfactory, being divided between three bureaus of two departments. It is therefore recommended that all matters pertaining to forest reserves, except those involving or pertaining to land titles, be consolidated in the Bureau of Forestry of the Department of Agriculture." 7 D 03, p.21-22

894 **Forest preserves**

a **N. Y.** Odell. "The purchase of land in the Adirondacks and Catskills by the state was discontinued two years ago. because of

1999 **Shellfish. Miscellaneous**

2010 **Oysters**

2011 **General**

a **La.** Heard, 9 My 04, p.66. **Md.** Smith, 6 Ja 04, p.18-19.

b **La.** Blanchard, special message relating to oyster industry. 10 Je 04, House Journal, p.273-74

c **S. C.** Heyward. " . . . It should be the policy of the state to legislate upon this subject [oyster industry], with a view first to protect and develop the industry, and, secondly, to make it a source of revenue to our state. . . Other states similarly situated upon the coast derive large revenues from this source, that of Virginia being more than a quarter of a million dollars, while Maryland's yearly revenue is about a half million dollars. With us, Beaufort county alone derives a revenue from this source, while shipments are annually made from the state aggregating several hundred thousand dollars, for which we receive no equivalent, depleting and destroying the supply. I recommend that a license system, with regulated fees, be adopted, requiring all persons who fish or gather oysters for market to procure such a license. The fund derived from these licenses should be equally divided between the state and the county . . . There are now a number of oyster canneries in our state, doing a large business, and, of course, these should be specifically included in any license system. The conveying of oysters beyond the borders of the state for canning purposes should be prohibited . . . Our present law allows one to reserve certain territory for the purpose of cultivating oysters, but affords no protection for this. If we wish our citizens to engage in this industry it is only just that they should be protected, and I recommend that legislation with this purpose in view be adopted. . . " 12 Ja 04, p.37-38

2020 # Mines and mining

2039 **Phosphate mining**

a **S. C.** Heyward. " . . . At your last session your body saw fit to abolish the office of phosphate inspector and to devolve the duties pertaining to that office upon the board of commissioners. Since the expiration of the term of that officer the companies have been reporting monthly to the comptroller general and myself. . . I would recommend that the state geologist be made a member of the board, and that, as far as practicable, the duties of the inspector be devolved upon this officer. The former importance

of this business reminds us that it is our duty to use our best endeavors to make it again, if possible, a source of revenue to the state, and expert supervision and study of the natural conditions will tend to accomplish this result." 12 Ja 04, p.34-35

2040 # Labor

See also 354, Convict labor

2041 ## General. State bureaus and departments

See also 20, Bureaus of statistics

a **La.** Heard, 9 My 04, p.62. **La.** Blanchard, 16 My 04, p. 17. **Md.** Smith, 6 Ja 04, p.37-38. **Mass.** Bates, 7 Ja 04, p.36. **U. S.** Roosevelt, 7 D 03, p.3-4.

b **Ia.** Cummins. " . . . Even a casual examination of the subject makes it clear that we need more stringent legislation respecting child labor, fire escapes, the reporting of accidents, and the competency of employees whose work involves the lives and safety of others. Our factory inspections are imperfect, simply because the force in the commissioner's office is not sufficient. . . " 12 Ja 04, p.21

c **R. I.** Garvin. More efficient factory inspectors and commissioner of industrial statistics needed. 5 Ja 04, p.13

2044 ## General workshop regulations

See also 1099, Buildings, sanitation and safety

a **La.** Heard. "A suggestion of the commissioner [of labor] which is worthy of your consideration, is that his department be empowered with authority to visit and inspect all factories, mills and workshops, in order that he may examine into the methods of protection from danger to employees and sanitary conditions thereof, with a view to correcting any abuses or dangers that may exist." 9 My 04, p.62

b **N. J.** Murphy. " . . . With its small appropriation it is manifestly impossible that the official supervision should be efficien: in all the matters intrusted to the department [of factory inspection]. . . The enforcement of the child labor law has received especial attention . . . I think, however, some amendments to the law should be made. The department is charged with some duties that it should be relieved of. There should be an increased number of inspectors, and, above all, the head of this important department should be in perfect sympathy with the views of the people of the state." 12 Ja 04, p.12-14

2082 **Sweat shops**

a **Md.** Smith. "In the light of a decision rendered by . . . Judge Ritchie, the so called sweat shop law will need amendments to make its provisions clearer and more effective. A greater number of the statistician's reports should be published." 6 Ja 04, p.38

2084 **Hours**

2094 **Mines**

a **Mon.** Toole. "At your last regular session a bill was passed, submitting an amendment to the Constitution to the qualified electors of the state, prohibiting the employment of children under 16 years of age in underground mines, and making a period of eight hours a day's labor on public works and in mills, smelters and underground mines. This measure . . . failed to become operative because said amendment, together with the ayes and noes of each house thereon, was not entered in full on their respective journals, as required by section 9, article 19 of the Constitution. If this measure is passed now it can be submitted at the next general election as originally intended, otherwise it will fail through a mere clerical omission." 1 D 03, p.4

2097 **Railways**

2098 **Street railways**

a **R. I.** Garvin. Limitation of the labor of motormen and conductors to 10 within 12 consecutive hours recommended. 5 Ja 04, p.13

2112 **Employment**

2113 **General**

2118 **Children**

a **Fla.** Jennings. Child labor law recommended. 7 Ap 03, p.47

b **La.** Heard. "The commissioner [of labor] calls particular attention to the inadequacy of the present statutes regulating the employment of children in occupations deleterious to health and morals. . . " 9 My 04, p.62

c **R. I.** Garvin. Factory inspectors recommend that the age limit at which children can go to work be raised from 12 to 13 years; that no child under 15 years of age be permitted to do any night work; that certificates of age should be placed at the call of the factory inspectors. 5 Ja 04, p.15

2134 **Labor disputes**

2136 **Conciliation and arbitration**

a **Fla.** Jennings. " . . . Any law which will aid in bringing about peaceful and prompt settlement of labor disputes should be heartily

encouraged, and will be a step in the direction of establishing better relationship between capital and labor." 7 Ap 03, p.61

b **Mass.** Bates. "Since 1886, which was a year of strikes, there has operated in this commonwealth a system of settling labor difficulties. . . In the last year there were before the board 79 cases for arbitration and 102 cases of conciliation. There were 188 complaints made. Advice was given in 118 cases; there were 640 interviews, 96 conferences, and 352 unreported settlements in which the influence of the board was traceable. Hardly a day elapses that a difficulty of some kind is not brought to the board's attention, and advice given which materially improves the relations of the employer and the employee. . . " 7 Ja 04, p.35-36

: **N. J.** Murphy. "I repeat my recommendation to a former Legislature that the Board of Arbitration be abolished. . . " 12 Ja 04, p.16

Boycotts. Interference

a **N. Y.** Odell. ". . . Stringent laws which will protect the employer against blackmailing designs are as important as the protection of the workingman in his rights. I believe the time has come when every sensible man recognizes the propriety of legislation which will accomplish these results." 6 Ja 04, p.25

Strikes

a **Ia.** Cummins, calling out of militia to preserve order during strike at Dubuque, 12 Ja 04, p.26.

Charities

See also 60, State institutions; 1761, Fraternal beneficiary societies

General

a **Ky.** Beckham. "The general condition and management of the charitable institutions have never been better than at present, and yet I am more convinced than ever after nearly four years' experience with them that the plan of their management is the most expensive and unreasonable it is possible to devise and I do not believe the like of it can be found in any other state. . . They should be made state, and not local, institutions, for each Legislature is met with large and extravagant demands from them because of the fact that under the present system they are more local than state concerns, and each locality is rivaling the others in trying to get the most money expended upon its institution. . . I . . . urge that you . . . place all of these charitable institutions under the control of a state board consisting of three members who shall

give their entire time to the management of them. These [local] boards should be abolished absolutely . . . " 5 Ja 04, p.12-13

2142 **State boards and officers**

a **U. S.** Roosevelt, reports of Board of Charities for District of Columbia, 7 D 03, p.24.

2148 ## Poor relief

See also 2406, Pensions and relief

2149 **General**

a **Fla.** Jennings, relief of the fire sufferers of Jacksonville, 7 Ap 03. p.59.

2160 ## Sick and disabled

See also 1018, Communicable diseases

2165 **Hospitals**

2166 **State hospitals**

a **La.** Heard, 9 My 04, p.50-53.

2172 ## Children

See also 371, Juvenile offenders; 2118, Employment

2174 **Crippled and deformed children**

a **O.** Nash, report of commission on crippled and deformed children, 4 Ja 04, p.21.

2184 ## Deaf and dumb

a **La.** Blanchard, education of the colored deaf and dumb, 16 My 04, p.10.

2186 **State institutions**

a **La.** Heard, 9 My 04, p.48-49. **S. C.** Heyward, 12 Ja 04, p.16.

b **Va.** Montague. "The establishment of an institution for the colored deaf, dumb and blind is an urgent need. . . " 13 Ja 04, p.6

2188 ## Blind

a **La.** Blanchard, care and education of the colored blind, 16 My 04, p.10. **Md.** Smith, 6 Ja 04, p.8.

b **Mass.** Bates. "In accordance with a resolve of the last General Court, I appointed a commission to investigate the condition of the adult blind. Their report will soon be laid before you, and will merit your deep interest." 7 Ja 04, p.19

2191 **State institutions**

a **La.** Heard, 9 My 04, p.46-48. **S. C.** Heyward, 12 Ja 04, p.16.

b **Va.** Montague. "The establishment of an institution for the colored deaf, dumb and blind is an urgent need . . . " 13 Ja 04, p.6

2192 # Insane

See also 60, State institutions; 446, Guardianship

2193 ## General

a **N. Y.** Odell. "The more modern methods of treatment of insanity, the consequent increase in requirements have brought us to an anomalous condition. Notwithstanding the additional space in hospitals, we apparently have not added to the dormitory capacity of our institutions. . . During the past three years appropriations amounting to $3,170,000 have been made to meet these growing demands. In 1898 the capacity was rated at 20,656 and in 1901 it was reduced to 18,678. . . New York, like every other seaboard commonwealth, is experiencing the baneful results which come to it because of the ease with which degenerates and incompetents from other lands can be sent here. We are obliged to rely for protection upon the inspections which the federal government makes. It would seem to be the part of wisdom to protect ourselves, and to that end I should favor legislation for state inspection by a board of competent physicians. . . The separation of the chronic from the acute insane seems in every way to be dictated by wisdom and experience. Pavilions for the acute insane at New York, Brooklyn and other state hospitals, together with the necessary appropriation for the new building in northern New York, will call for an expenditure of $2,175,000. . . " 6 Ja 04, p.17-18

2196 ## Asylums

2198 **State asylums**

a **Fla.** Jennings, 7 Ap 03, p.40. **La.** Heard, 9 My 04, p.53-56. **S. C.** Heyward, 12 Ja 04, p.16-19.

b **Ga.** Terrell. "There is at present some confusion in the laws relative to the management of the sanatorium and the reception of patients; and I recommend that a committee be appointed to confer with the superintendent of the sanatorium and the president of the board of trustees, with a view of revising the laws relating to the institution." 22 Je 04, p.19

c **Ky.** Beckham. " . . . For about two years these three institutions [for the insane] have been so crowded that it has been difficult and in many cases impossible to provide accommodations for new patients. Frequently these patients after having been adjudged of unsound mind have been compelled to remain in their county jails for months, waiting until vacancies should arise in one of the asylums. . . I think the difficulty can be met by building additional room to one or more of the present asylums. . . " 5 Ja 04, p.12

d **La.** Heard. Additional appropriation recommended for erection of buildings for Asylum for Insane Colored People at Alexandria. 10 D 03, House Journal, p.6

e **Mass.** Bates. "During the last year the state has been making ready for the increased number of insane to come under its care this year, as the result of the legislation of 1900. . . Conditions are such that in the opinion of the State Board of Insanity the commonwealth must annually provide additional accommodations for 500 patients. If the expense for this purpose is to be a constant annual expense, it does not seem that a wise business policy would justify its bonding . . . It would seem to be the part of wisdom rather to provide for the payment of all such annual expenses out of the current income." 7 Ja 04, p.49-50

2203 **Support. Right of admission**

2204 **State support**

a **Md.** Smith. "At present there are in Maryland probably something over 2000 dependent insane. The two state hospitals, Springfield and Spring Grove, are able to care for about half that number, and the balance are in the county almshouses, the jails, Mt Hope Asylum and Bay View Asylum. . . The present capacity of the state hospitals is taxed to the extreme, so that extensive additions will be required to care for all the dependent insane in Maryland who should properly be in one or the other of these excellent institutions." 6 Ja 04, p.25-26

b **O.** Nash. "On the 14th of April, 1900, the General Assembly of Ohio passed an act which provided that 'On and after June 1st, 1903, it shall be unlawful to receive or keep at any county infirmary of the state of Ohio any insane or epileptic persons, and all sections authorizing the receiving or committing of such insane or epileptic persons to the infirmaries of the state are hereby repealed.' . . It was impossible to comply with the provisions of this act without increasing the capacity of such hospitals by the erection of new buildings. . . Appropriations were not made until the 12th day of May, 1902. . . When June 1st, 1903, arrived, these hospitals had no more capacity than they had when the act of April 14th, 1900, was passed. . . The act of April 14th, 1900, ought to be amended so that it shall not be unlawful to receive and keep insane and epileptic persons in the county infirmaries until after, say, August 1st, 1904 . . . " 4 Ja 04, p.14-15

c **S. C.** Heyward. " . . . In other neighboring states the number of inmates in the insane hospitals is limited by law . . . With us no such law or custom exists. Consequently, our institution seems

to serve as a receptacle for all classes of defectives and unfortunates, who are not otherwise provided for. . . The regents themselves ask whether greater care and local interest may not be secured by requiring the counties to pay a portion of the expenses for each patient sent to the hospital. The present system seems rather to offer an inducement for each community to place upon the state burdens and responsibilities which they should assume themselves in part, at least. . . " 12 Ja 04, p.18

2210 **Epileptics**

a **S. C.** Heyward. " . . . There seems little doubt as to the need of the separation of inebriates and epileptics from the insane proper . . . Such inmates should be placed in separate buildings upon the present property." 12 Ja 04, p.18

2215 **Feeble-minded**

a **Ky.** Beckham. " I ask that you make a comparison of the tables in the auditor's reports of the amounts paid by the state each year for the support of pauper idiots, and observe to what an alarming extent this imposition is growing. It has grown to be simply a big pauper pension system, and this General Assembly should by all means at least curtail its growth, if not abolish it entirely, and make each county do as it should in taking care of its own poor. . . " 5 Ja 04, p.17

2220 # Education. Science. Culture

See also 2184, Deaf and dumb; 2188, Blind

2222 **Elementary and secondary education**

2223 **General system. Codes**

a **Fla.** Jennings, 7 Ap 03, p.61-65. **Ky.** Beckham, 5 Ja 04, p.15-17. **La.** Heard, 9 My 04, p.10-14. **La.** Blanchard, 16 My 04, p.4-10. **Md.** Smith, 6 Ja 04, p.12-15. **Mass.** Bates, 7 Ja 04, p.10-12.

b **Fla.** Jennings. " . . . I recommend that a law be enacted requiring that at least one high school, centrally located, shall be established and maintained for eight months in each county; that the superintendent of public instruction by and with the approval of the State Board of Education, be authorized to prescribe from time to time a course of study for, and rules and regulations for admission to the high schools and colleges of the state, and also to define and establish the requirements necessary for an applicant seeking a first, second or third grade teacher's certificate, and such

other requirements and provisions as may be deemed best for the interest of the public schools of the state." 7 Ap 03, p.65

c **La.** Blanchard. "The negro is here. He is a man and a citizen. He is useful and valuable in his sphere. Within that sphere he must be guaranteed the equal protection of the law, and his education along proper lines—mainly agricultural and industrial—is at once a duty and a necessity. . . No approach towards social equality or social recognition will ever be tolerated in Louisiana. Separate schools, separate churches, separate cars, separate places of entertainment will be enforced. Racial distinction and integrity must be preserved. But there is room enough in this broad Southland, with proper lines of limitation and demarcation, for the two races to live on terms of mutual trust, mutual help, good understanding and concord. . . " 16 My 04, p.9

d **Md.** Smith. "Those who have to follow our public school law, and who are familiar with its provisions, agree that it should be carefully revised by men familiar with the needs of our public school system, so that the law may be equal to our new and modern demands and in keeping with progressive school work. . . "
6 Ja 04, p.12-13

e **Miss.** Vardaman. " . . . Until the children living away from the towns and cities in the backwoods are given the same opportunity to acquire a common school education that is enjoyed by the children resident in the city, let us not establish any more institutions for higher education, than those we already have. . . "
19 Ja 04, p.16

f **Miss.** Vardaman. " . . . Certainly the education suited to the white child does not suit the negro. This has been demonstrated by 40 years of experience, and the expenditure in the Southern states of nearly three hundred millions of dollars. . . As a race, he is deteriorating morally every day. . . The startling facts revealed by the census show that those who can read and write are more criminal than the illiterates, which is true of no other element of our population. . . You can scarcely pick up a newspaper whose pages are not blackened with the account of an unmentionable crime committed by a negro brute, and this crime, I want to impress upon you, is but the manifestation of the negro's aspiration for social equality, encouraged largely by the character of free education in vogue, which the state is levying tribute upon the white people to maintain. . . Slavery is the only process by which he has ever been even partially civilized. God Almighty created the negro for a menial—he is essentially a servant. . . The first step towards changing the educational system of the state, so as to meet the demands of both races, it occurs to me, is for the Legis-

lature to submit to the people a proposition to amend the Constitution, so as to give the Legislature unrestricted authority in dealing with the public school question. . . " 19 Ja 04, p.16-19

g **N. Y.** Odell. Special message recommending creation of special commission to consider means of remedying existing friction between the two educational departments.
20 Ap 03, Senate Journel, appendix, p.80-81

h **N. Y.** Odell. "In the administration of our school system two authorities are in control. The one, the Board of Regents, has for its particular function the charge of higher education, while the so called primary or common school education was placed by statute under the superintendent of public instruction. From time to time friction has arisen, with results which have been in no way beneficial to the cause of education. . . Primary education should be understood to include all schools where academic education is not a part of the curriculum. Academic education, on the other hand, should be under prescribed courses with not less than a three years term. With this line of demarcation the duties of the superintendent of public instruction and the regents could be determined and fixed by statute. . . A joint committee appointed at the last session of the Legislature has this subject under consideration, and it is to be hoped that from their report and these suggestions, needed legislation may result. . . " 6 Ja 04, p.12-13

i **O.** Herrick. Revision of school laws recommended. 11 Ja 04, p.7

j **R. I.** Garvin. Board of Education recommends that more definite provision be made by the state for defective children; that provision be made to teach the adult blind; that the age limit at which children can go to work be raised to 13 years. 5 Ja 04, p.14

2228 Officers. Boards

2229 State

a **La.** Blanchard, 16 My 04, p.8.

b **Mon.** Toole. Appropriation for clerk for superintendent of public instruction recommended. 1 D 03, p.4

2230 County

a **La.** Blanchard. " . . . I recommend . . . that the minimum salary to be paid the parish superintendent be increased to a sum that will give substantial encouragement to the best trained men to take such positions and devote their time and energies to the upbuilding of the schools." 16 My 04, p.8

2231 District, township and municipal

a **Mass.** Bates. " . . . I suggest some system by which the superintendents of districts which receive so large a proportion of state

[redacted]

[redacted] 7 Ja 04, p.11

[redacted]

[redacted]

a [redacted] "[redacted] ... The state could expend no great advantage just now a million of dollars in school buildings .... In most of the school districts the money could be used to stimulate self-help in building schoolhouses .... In other sections where local help would be impossible (these would be very few), it could be used to pay outright for schoolhouses ...." 16 My 04, p.6

[redacted]

[redacted]

[redacted]

[redacted]

a Fla. Jennings, 7 Ap 04, p.15, col. Ga. Terrell, 23 Je 04, p.68, 15 **O. Youth**, 2 Ja 04, p.m.

b **Ky.** Beckham. "... I ... recommend that you make some substantial increase in the school fund in order that the length of the school term may be extended from five to six or seven months. 5 Ja 04, p.16

c **La.** Blanchard. "... The state Constitution directs that not less than 5½ mills of tax be set aside for school purposes. Gradually the appropriation has increased until now 15¼ mills of the 6 mill state tax is allotted to schools. This should be run up to 2 mills ... 16 My 04, p.9

d **Mass.** Bates. "... The present annual income [of the school fund] is about $225,000. In addition, the smaller towns receive from the state treasury about $80,000 a year for high school education, and nearly $100,000 towards the cost of supervision. ..." 7 Ja 04, p.11

e **Va.** Montague. "... The children of the commonwealth should have a session of nine months, and the maximum tax rate allowed by the Constitution should be enacted." 13 Ja 04, p.6

2242 **Apportionment**

a **La.** Heard. "I especially commend to your thoughtful consideration, the forceful remarks of the superintendent in reference to the apportionment of the state funds among the parishes, not in proportion to the number of educable children enumerated, but

upon those in actual attendance for the year previous to that in which an apportionment is made. As a means of stimulating attendance, the superintendent wisely suggests that the salaries of local superintendents be fixed in proportion to the number of children in attendance." 9 My 04, p.13

2247 **Teachers**

2252 **Employment. Pay. Pensions**

2254 **Salaries**

a **Md.** Smith. "There is a practical unanimity of opinion that the amount paid the average teacher is too small . . . The state itself has fixed the standard of teaching very high, but not too high, and in fairness, the minimum salary to be paid to any teacher should be fixed by the state somewhere in proportion to the order of skill required . . . " 6 Ja 04, p.12

2255 **Pensions**

a **Md.** Smith. "The General Assembly, chapter 196 of the acts of 1902, adopted a most praiseworthy policy of pensioning incapacitated public school teachers who have spent 25 years in teaching and who are over 60 years of age. The present appropriation of $10,000 is entirely inadequate to provide relief for all the worthy applicants, and the annual appropriation should be increased to $20,000 . . . " 6 Ja 04, p.13

2263 **Institutes**

2264 **Training classes**

a **La.** Blanchard. " . . . I recommend that a liberal appropriation be made (as much as $10,000 annually, if possible) as a special institute fund for the purpose of conducting teachers training schools in all sections of the state." 16 My 04, p.7

2266 **Normal schools**

a **Ky.** Beckham, 5 Ja 04, p.17. **La.** Heard, 9 My 04, p.41-43. **O.** Nash, report of State Normal School Commission, 4 Ja 04, p.21. **S. C.** Heyward, 12 Ja 04, p.13-14, 16.

2267 **Attendance**

2272 **Place of attendance. Conveyance of pupils. Consolidation of schools**

a **Fla.** Jennings. " . . . I would . . . suggest . . . the consolidation of the small schools and the free transportation of pupils living beyond a certain distance, to and from the school each day. . . " 7 Ap 03, p.64

b **S. C.** Heyward. "Other states in the Union that are making marked progress in all educational lines are attempting, through consolidation, to establish satisfactorily a strong system of county

graded and high schools. This, in my judgment, is, for many reasons, eminently desirable, as in itself it will furnish means at home for the proper preparation for college. . . " 12 Ja 04, p.11

2274 School census

a Md. Smith, 6 Ja 04, p.14.

2282 Textbooks. Curriculum. General

a Miss. Vardaman. "The matter of school books calls for consideration at the hands of the Legislature. The purchase of books has become an oppressive burden upon the poor. . . " 19 Ja 04, p.19

2283 Free textbooks

a Fla. Jennings. "I would . . . urge upon counties the adoption of the free school book system." 7 Ap 03, p.64

2284 Uniformity

a Ky. Beckham. " . . . The General Assembly should, without fail, pass a bill fixing maximum prices for school books and establishing a state uniformity in the texts. . . " 5 Ja 04, p.15

2316 Special kinds of schools

See also 2184, Deaf and dumb; 2188, Blind; 2266, Normal schools; 2342, Professional and technical education.

2319 Evening schools

a S. C. Heyward. " . . . The question of night schools has not yet received with us the attention it deserves, and the opportunity and need for their development seems to especially exist in our large and growing mill communities." 12 Ja 04, p.12

2327 High schools and academies

2328 State aid

a La. Blanchard. " . . . I suggest . . . that, if possible, a special appropriation be made to be used by the State Board of Education to encourage the establishment of high schools in the country districts, and in towns of less than 3000 inhabitants." 16 My 04, p.7

2330 **Higher education**

a S. C. Heyward, 12 Ja 04, p.12-16.

2332 State institutions (general)

a Fla. Jennings, 7 Ap 03, p.15-19. Md. Smith, 6 Ja 04, p.17.

2333 Finance. Lands. Support

See also 773, Public lands; 2237, School finance

a O. Nash, 4 Ja 04, p.11.

b Ia. Cummins. " . . . We might as well face the unpleasant fact that, with respect to support, equipment and buildings [of the State

University and State College of Agriculture and Mechanic Arts] we are behind the times, and in these respects we compare unfavorably with the states that would be naturally chosen for comparison. . . Do not understand me to recommend that immediate appropriations be made covering all these wants, but I do earnestly urge upon you the necessity of making such provision as will insure these additions and improvements as speedily as possible.

I have reflected a great deal upon the methods of creating the support funds of our educational institutions, as distinguished from building and equipment funds. I am thoroughly convinced that it ought to be through special taxes, and not through general appropriations. . . It has many advantages that will at once occur to you, but the one which recommends it most strongly to me is that it will enable every taxpayer, upon looking at his tax receipt, to know exactly what he is contributing to the support of these institutions. . . " 12 Ja 04, p.19-20

c La. Blanchard. "Another constitutional amendment which I would recommend has for its object the removal of the restriction put upon appropriations by the General Assembly for the maintenance and support of the Louisiana State University, the Louisiana Industrial Institute and the Southern University. . . "
16 My 04, p.13

d O. Nash. " . . . If the General Assembly . . . decides that these universities ought to have more support than is given them by present levies, it should be given by means of direct appropriations from the general revenue fund. An appropriation of the state's money, for such special purposes, in dollars and cents is always a more candid method of dealing with public expenditures than a levy upon the tax duplicate. There is thus no obscurity or misapprehension as to the amount given, and neither the Legislature which gives it, the institutions which receive it, nor the people whose money is spent, are required by a mathematical calculation to discover the sums appropriated." 4 Ja 04, p.12

1336 **State universities. Colleges**

a La. Heard, 9 My 04, p.40-41, 45-46. S. C. Heyward, 12 Ja 04, p.12-15.

b O. Herrick. " . . . Permit me to suggest whether it would not be wise to further encourage in the Ohio State University the study of forestry, and of other subjects which have a special bearing upon the development of the agricultural, mineral and manufacturing resources of the state." 11 Ja 04, p.8

Professional and technical education

Agricultural schools

See also 2348, Agricultural experiment stations

a [illegible], 7 Sp 03, p.15-17. Ky. Beckham, the Agricultural and Mechanical College, 5 Ja 04, p.16. Md. Smith, 6 Ja 04, p.15-17. S. C. Heyward, 12 Ja 04, p.25-26.

b Ga. Terrell. "I wish to urge again upon your favorable consideration the question of agricultural schools, as presented in my message of Nov. 8, 1901. . . ." 22 Je 04, p.11

c La. Heard. "On my initiative, the rudiments of scientific agriculture have been introduced into the public schools. The subject has not been on trial long enough to demonstrate practical results, but there is every reason to believe that it will prove both instructive and beneficial to the youth of the land. . . ." 9 My 04, p.13

d N. Y. Odell. ". . . Other commonwealths have contributed largely in support of agricultural education, and it is important that we should also make adequate provision for this necessary instruction. . . ." 6 Ja 04, p.36

Forestry

a N. Y. Odell. "By chapter 102 of the laws of 1898 the state purchased townships 25 and 26 in the county of Franklin, and Cornell University thereupon took title and undertook practical demonstration and instruction in the school of forestry. Its operations had for their object the substitution for so called worthless timber valuable growths, but this has resulted in the practical destruction of all trees upon the lands where the experiment was in progress. . . The preservation of the forests is primarily for the protection of the water supply, and this is not possible through the denudation of the lands. Therefore this school failed of its object . . . The report of the committee of the Assembly at the last session of the Legislature, and the knowledge of the disapproval of many of our citizens, led me to veto the item for its support in the appropriation bill of 1903. . . Cornell University undertook this work at the request of the state, and as such was its agent. In so doing it has made contracts for which it is primarily responsible, but which responsibility as the agent of the commonwealth it should not be called upon to assume. Neither should the school it founded be discontinued, because with the lapse of years a proper understanding of scientific forestry will become more and more a necessity. . . ." 6 Ja 04, p.13-14

Military

a S. C. Heyward, 12 Ja 04, p.15.

2350 **Technical and manual training**

a **Fla.** Jennings, 7 Ap 03, p.15-16. **La.** Heard, state industrial institutes, 9 My 04, p.43-45. **Mass.** Bates, textile schools, 7 Ja 04, p.13-14. **Mass.** Bates, Massachusetts Nautical Training School, 7 Ja 04, p.15-16. **S. C.** Heyward, 12 Ja 04, p.16.

b **Mass.** Bates. " . . . The first duty of every educational board, state or municipal, should be to make certain that the youth under it are educated in the essentials that will make them self-supporting, effective men and women." 7 Ja 04, p.16

c **S. C.** Heyward. " . . . The weakest part of our present system is the lack of schools of manual training. . ." 12 Ja 04, p.12

d **Va.** Montague. "My former recommendations respecting industrial and manual training are renewed. . . " 13 Ja 04, p.6

2352 ## Libraries

2354 ### State libraries

a **La.** Heard, 9 My 04, p.8. **Md.** Smith, 6 Ja 04, p.40.

b **Fla.** Jennings. "[The secretary of state] should be provided with an assistant librarian to take charge of and catalogue the 3000 (estimated) volumes of books in his custody, to which it is impossible for him to give proper attention. The assistant librarian should also be made director of archives, with duties prescribed by law." 7 Ap 03, p.23

c **Va.** Montague. "The State Library . . . now contains about 70,000 volumes, of which many hundred have lain with uncut pages. The library should at once be put in proper physical condition. . . " 13 Ja 04, p.6

2356 ### Free public libraries

2357 **State aid and supervision. Traveling libraries**

a **Mass.** Bates, 7 Ja 04, p.12-13.

b **Va.** Montague. "Under the statute the books [of the State Library] can not be used save in the city of Richmond. . . Every city, county and town should have access to these invaluable books. The library should be a substantial and diffusive educational force, and to this end I urge the adoption of what is known as 'traveling libraries,' which could be perfected by an expenditure of about $4000. . . " 13 Ja 04, p.6

2360 **School libraries**

a **S. C.** Heyward. " . . . I concur in the recommendation of the state superintendent of education that a part . . . of the state

school fund shall be used to encourage the establishment of libraries in our county schools." 12 Ja 04, p.11

2362 History. Records. Memorials

a Ia. Cummins. Completion of historical building recommended. 12 Ja 04, p.23

2365 Archives. Records. Colonial laws

a Ga. Terrell. " . . . I found in the archives of the Executive Department 24 old volumes of executive minutes, covering a period of 50 years, from 1793 to 1843. . . I have had them all neatly and substantially rebound by the state printer, and am now having them properly indexed." 22 Je 04, p.20

b R. I. Garvin. State record commissioner recommends that cities and towns be required to provide fireproof receptacles for public records. 5 Ja 04, p.15

2368 Old Home week

a R. I. Garvin. "All of the New England States, except Rhode Island, have set aside by law a week during which in each year the sons and daughters of the state are specially invited to revisit their places of birth. I recommend a similar enactment here . . ." 5 Ja 04, p.10

2370 Memorials. Monuments

a Ga. Terrell. confederate memorial board, 22 Je 04, p.17.

b Ga. Terrell. State care of confederate graves recommended. 24 Je 03, p.8

2377 Memorials to individuals

a S. C. Heyward. 12 Ja 04. p. 28-29.

b O. Nash. Monument to Governor St Clair recommended. 4 Ja 04, p.18

2378 War records

a Ga. Terrell. 24 Je 03, p.15. S. C. Heyward. 12 Ja 04, p.26-28.

b Fla. Jennings. Roster of confederate soldiers of Florida recommended 7 Ap 03, p.48

c Ia. Cummins. Roster of Iowa soldiers in the Civil and Spanish wars recommended 12 Ja 04, p.22

d Va. Montague. "It is very desirable that the state should have a complete roster of all her soldiers and officers who participated in the war between the states. The federal government has made an appropriation to this end and invites our cooperation . . ." 13 Ja 04, p.8

1380 ## Scientific work. Art

1383 ### Biology

a La. Heard, Gulf Biologic Station, 9 My 04, p.19.

1384 ### Geology. Topography

a La. Heard, 9 My 04, p.18-19. Md. Smith, 6 Ja 04, p.20-21. S. C. Heyward, 12 Ja 04, p.22.

b Fla. Jennings. Geological survey recommended. 7 Ap 03, p.51

c Md. Smith. "The Maryland Geological Survey has among its records the necessary data (which the state paid to collect) for the preparation of physical and geological wall maps of the state. . . Provision should be made to have the survey prepare such maps, accompanied by explanatory pamphlets, rendering this useful information readily available to the teachers and pupils of the public schools." 6 Ja 04, p.13-14

1388 # Military regulations

See also 2262, History, records, memorials

1390 ### Militia. National Guard

1391 **General and miscellaneous**

a Ga. Terrell, 24 Je 03, p.12. Ky. Beckham, 5 Ja 04, p.20-21. La. Heard, 9 My 04, p.34-37. Mass. Bates, 7 Ja 04, p.28-29. O. Herrick, 11 Ja 04, p.6. S. C. Heyward, 12 Ja 04, p.22-23.

b Fla. Jennings. ". . . I consider the present salary of the adjutant general inadequate, and that it is physically impossible for him to perform the duties of his office without clerical assistance. . . I further recommend that an appropriation be made to provide for the armories necessary and for an encampment. I also recommend that a new military code be adopted, so framed as to carry into effect in this state the provisions of the militia bill adopted by the Congress of the United States." 7 Ap 03, p.52-56

c Ia. Cummins. ". . . As soon as practicable the state should erect an arsenal, with quarters for the adjutant general. . . I also recommend the establishment of a permanent camp and drill ground. . . " 12 Ja 04, p.23-24

d O. Nash. "The National Guard of Ohio is in good condition, and during the last year has made marked improvement in discipline and in everything that makes for its efficiency. Under recent enactments of the general government, her policy in regard to the National Guard has undergone a complete change. . . During the next year I suggest that our guard be placed in the camps of the United States, which are maintained for 14 days, for discipline and

instruction. . . I suggest that the state make an appropriation so that they can be paid, when our money is added to government pay, the same compensation as the state pays [$1 a day]. Our guard, in order to become efficient, should have drill in the armories, in addition to what they receive in the camps, of at least one night a week, or 48 nights in the year. . . I suggest that each member receive a small compensation of, say, 25 cents per night, or $12 a year, for these weekly drills . . . " 4 Ja 04, p.15-17

2392 **Armories**

a **Md.** Smith, 6 Ja 04, p. 27-28, 33-34.

b **Fla.** Jennings. "The Supreme Court having declared the statute, chapter 4648, laws of Florida (which provides that the board of county commissioners in each county in which there is a company or battery of state troops shall provide each company or battery with an armory, etc.) unconstitutional, declaring that the military arm of the government is 'essentially and necessarily a state institution'; therefore, it follows that the state should provide suitable armories for meetings and drills of the state troops and the safe storage of arms and equipments." 7 Ap 03, p.52

2394 **Encampment**

a **Mass.** Bates. "The camp at Framingham is well adapted to parade purposes, but not to the practical work that is more and more engaging the attention of students of military science. It will soon be necessary to provide a larger area, where more extensive evolutions may be practised." 7 Ja 04, p.29

2406 Pensions and relief

a **U. S.** Roosevelt, 7 D 03, p.23.

2408 **State pensions and aid**

a **Mass.** Bates. "The provisions of law for the payment of state and military aid will expire with the year 1904. . . The provisions of the present law should be extended, with such amendments, if any, as may seem to you necessary to meet present conditions." 7 Ja 04, p.27

2409 **State pensions and aid to confederate veterans**

a **La.** Heard, 9 My 04, p.60-61. **S. C.** Heyward, 12 Ja 04, p.28.

b **Fla.** Jennings. " . . . The pension law needs some amendment in behalf of the widows of confederate soldiers . . . I further recommend that the law be amended to permit soldiers of the Indian and Mexican wars to draw pensions from the state. . . The following table shows year pension system established in 11 of the Southern States named; amount of pension paid; number of pen-

sioners; present annual appropriations, and total appropriation to include 1902.

STATE	YEAR PENSIONS BEGAN	PRESENT ANNUAL APPROPRIATION	NO. OF PENSIONERS ON ROLL	AMOUNT OF PENSIONS PAID
Alabama	1879	$273 099	13 367	$18 60 to $37 20
Arkansas	1891	156 000	5 575	25 to 100
Florida	1885	160 000	1 647	25 to 100
Georgia	1879	858 895	13 975	5 to 150
Louisiana	1898	62 500	2 109	30 to 54
Mississippi	1888	200 000	4 394	32 50 to 100
North Carolina	1885	200 000	11 600	30 to 120
South Carolina	1888	200 000	6 503	19 65 to 96
Tennessee	1883	150 000	1 467	100 to 300
Texas	1899	200 000	6 625	96 to .....
Virginia	1888	250 000	4 629	15 to 100
Total		$2 610 494	72 485	....."

7 Ap 03, p.12-14

c **La.** Blanchard. " . . . The state should extend a more liberal hand towards the care and succor of the remaining old soldiers of the lost cause within her borders, whose advancing age and infirmities render assistance desirable. . . " 16 My 04, p.16

d **Miss.** Vardaman. "A liberal system of pensions for indigent and helpless confederate soldiers, is a matter which should command the most ardent support of every patriotic Mississippian. . . "

19 Ja 04, p.20

2415 ## Soldiers homes

2416 **General. Establishment. Organization**

a **La.** Heard, 9 My 04, p.60.

2420 ## Organizations

2423 **G. A. R.**

a **Mass.** Bates, national encampment of the Grand Army of the Republic, 7 Ja 04, p.27.

2430 # Local government

2432 ## Municipalities

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs and "towns" (as a name for villages) but not including townships. Where the word *town* is used to designate the primary of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of a municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely the limits of population designated thereby are in these references substituted for the number of the class.

2433 ### State control of cities. Home rule

a **N. Y. Odell. "The object of certain articles in the amended Constitution was to give to every locality in the state a measure of home rule which had been denied theretofore. . . It might be proper for the Legislature to . . . attempt to formulate some plan whereby the matters complained of can be cured, and a more general fulfilment of the constitutional enactment arrived at. These questions of difference might be submitted to the people, and under our theory of government their conclusions and determinations would probably be satisfactory to all citizens of the state. . ."**
6 Ja 04, p.33-35

2437 ### Organization. Powers generally

2438 #### General

a O. Nash. "The new act for the organization and government of the municipal corporations of the state . . . has now been in force for all purposes about eight months . . . No doubt experience will show that in some particulars this law should be amended. But in the consideration of these questions the General Assembly should be careful not to make any changes which will depart from the safe path of uniform municipal government, or invite a return to the dangers of the past." 4 Ja 04, p.17

2472 ### Municipal civil service

2474 #### Appointments. Election

a La Heard. "Attention is also directed to the enormous and useless amount of work that might be saved to the Department of State, as well as to the Executive Department, by the adoption of legislation that would authorize the town and village officers throughout the state to be inducted into their respective positions immediately following the promulgation of their respective election returns. This would result in dispensing with the issuance of commissions to these officers." 9 My 04, p.7

2490 # County and township government

See also specific functions of counties and towns—Roads, Charities, Drainage etc.

2498 ### New counties. Consolidation

a **Ga.** Terrell. "The inflexible rule of the Constitution which forbids the creation of any new county, has brought about in some sections unexpected and unintentional hardships. Counties that in 1877 were geographically large, but sparsely settled, have greatly increased in wealth and population, but the line of growth has left the body of the inhabitants remote from the county site, to the manifest inconvenience and detriment of those who under conditions as they existed in 1877, undoubtedly would have been granted relief by the creation of a new county. . . " 22 Je 04, p.7

2511 ## County civil service

2517 ### Salaries. Fees

a **N. J.** Murphy. "I again recommend that a law be passed abolishing the fee system in the payment of the various county officials throughout the state, and fixing their compensation in a suitable salary. . . " 12 Ja 04, p.8

2550 # Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under taxation, as such provisions usually apply to all classes of taxes. *See* particularly 2237, School finance.

2575 ## Budget. Accounts

2583 ### State supervision. Uniform accounts

a **Md.** Smith. "The [state] auditor reports a decided improvement in the offices of the clerks of courts, registers of wills, state's attorneys and sheriffs so far as the keeping of accounts is concerned . . . A crying evil is caused by the removal of account books by incumbents of some offices at the expiration of their terms. . . It can not be hoped that this reform can be effected until such books are properly prepared after a uniform system under the supervision of the auditor and are furnished by the state. . . " 6 Ja 04, p.10

b **Mass.** Bates. "I renew my recommendations of last year for legislation to provide for the consolidation of the department of the comptroller of county accounts with that of the auditor, for the adoption of a uniform system of municipal accounting throughout the commonwealth . . . " 7 Ja 04, p.21

2597 Debts. Bonds

2598 Limitation of indebtedness

a Mass. Bates. "For more than a quarter of a century there have been upon our statute book provisions limiting the debts of cities and towns, except for specified purposes, to a certain percentage of the assessors' valuations of their taxable property. . . I find that during the last 10 years there have been passed scores of special bills, permitting the borrowing of money outside of the debt limit. . . I trust that in your action you may deem it wise to maintain the general law, and permit no exceptions thereto except in the case of some extraordinary emergency . . . " 7 Ja 04, p.38-39

2600 Deposits and depositories

a O. Herrick. " . . . If, in the necessarily hasty preparation and passage by the last Legislature of the municipal code, there be any defect in the depository law for municipalities, that should be corrected." 11 Ja 04, p.4

2600 Public works. Public improvements

2608 Franchises (general)

a R. I. Garvin. Referendum in the granting or renewal of street franchises recommended. 5 Ja 04, p.13

2633 Light. Power. Heat

See also 797, Public works (state)

2637 Light, heat and power companies

See also 2035, Petroleum and gas

2638 General and miscellaneous

a Fla. Jennings. "I recommend . . . that a law be enacted requiring the inspection of gas by the state chemist, and that a fee be charged therefor per foot." 7 Ap 03, p.52

2648 Water

See also 797, Public works (state); 1079, Pollution of water

2650 Municipal works

a Mass. Bates, metropolitan water system, 7 Ja 04, p.8-10.

2660 Sewerage

See also 797, Sewerage plants (state); 1079, Pollution of water; 1191, Drainage

2661 Sewerage systems. Construction generally

a Mass. Bates, metropolitan sewerage system, 7 Ja 04, p.8-10.

2677 Parks. Public grounds. Boulevards

2679 Establishment. Support

a Mass. Bates, metropolitan parks, 7 Ja 04, p.6-7.

2700 # Roads. Streets

2701 ## General

a **La.** Heard, 9 My 04, p.68-70. **S. C.** Heyward, 12 Ja 04, p.23-24. **U. S.** Roosevelt, 7 D 03, p.17.

b **Fla.** Jennings. " . . . It is my opinion that the boards of county commissioners of the various counties should be empowered to raise by taxation, the necessary funds to establish and maintain a policy of permanent road construction upon plans and specifications adopted by the Legislature, after consulting with skilled and experienced engineers in such work. Under our form of government, I believe the power to raise money for local purposes should be vested in those empowered and burdened with the responsibility of expending it. I fail to see any good reason for the state to become a party to handling the money. . . I recommend that a law be enacted establishing a uniform system of road improvement outside of the incorporated cities and towns . . . " 7 Ap 03, p.58-59

c **La.** Heard. "Articles 291 and 292 of the Constitution confer complete powers upon the police juries of the several parishes to raise funds for the purpose of constructing and maintaining the public roads and bridges. They are also given authority to use the labor of certain parish prisoners, in such work, as is referred to in article 292. This latter provision, however, I do not consider altogether practical for the reason that the cost of administration would be too great. My predecessor has ably discussed this subject in his message to the General Assembly, and . . . it entirely meets my own views . . . " 9 My 04, p.69

d **La.** Blanchard. "'Good roads' legislation is . . . needed." 16 My 04, p.17

e **Md.** Smith. "The time has arrived when much greater attention should be paid by the General Assembly to the question of highway improvement. . . The geological survey has rendered, and continues to render, great assistance in preparing plans and specifications for important pieces of road work, and the value of the survey has received wide recognition. Numerous tests of the various road and paving materials used upon county roads and city streets have been made." 6 Ja 04, p.20

f **Miss.** Vardaman. Improvement of public roads by taxation and working them with convict labor, under the direction of state and county officers recommended. 19 Ja 04, p.12

g **S. C.** Heyward. "While I am convinced that proper and systematic work of county chain gangs can be of decided benefit, still, very much more than this is necessary in order to obtain a modern

road. . . I recommend . . . legislation . . . which will give to the counties the right, by a majority vote, either to issue bonds or to levy an annual tax for road improvement. . . " 12 Ja 04, p.24

2702 **State road systems and state aid**

a La. Heard. New Basin sheil road, 9 My 04, p.63. Mass. Bates, 7 Ja 04, p.4.

b La. Cummins. "There is nothing which Iowa needs, which she has not, more than good roads. . . The roads to be improved should be first surveyed to ascertain the grade, easiest method of trainage, the character of the soil, and all other conditions which are essential to be known. The plan of improvement should then be made. So much of the work should be done by the state, and if committed to the engineering departments of the university and the Agricultural College, it could be done without great expense. When the plan for any county is complete, it should be presented to the board of supervisors, and if found satisfactory, adopted. . . " 12 Ja 04, p.16-17

c N. J. Murphy. "Under the road law the state has appropriated for several years $250,000 to be used in the construction of macadam roads throughout the state. As a result over 1000 miles of these roads have been built by state aid, and New Jersey has become known as having the best roads in the country. Last winter the Legislature passed a law increasing the limit for this purpose to $400,000, and there is an earnest desire on the part of some sections to have this sum appropriated. I think any increase in the appropriation for this purpose unwise. Many of the counties have not yet availed themselves of the provision of the law. . . I recommend that the law be amended so that if any county does not care to take its share, such share should revert back to the treasury, and not be divided among the other counties, as has been the custom in the past." 12 Ja 04, p.14-15

d N. Y. Odell. "484 miles of road have been improved by state aid since the enactment of chapter 115 of the laws of 1898. . . In order to secure a system of good roads throughout the state, the total ultimate mileage would be about 7500 miles. . . Some changes are necessary in the good roads laws in order to protect and repair these roadways. . . While it is not contemplated that the repairs to these roads shall be the state's duty, except in so far as provided under the so called plank law, yet there should be supervision by the state in order to insure the maintenance of these improved roads. . . " 6 Ja 04, p.26-27

e Va. Montague. " . . . A systematic construction and mainte-

nance of public roads should be begun in this state as early as practicable. Our increased revenue can afford appropriations for the inauguration of such a system, which will bring untold material and social benefits to the state. . . " 13 Ja 04, p.8

05 **General improvement. Contracts**

11 **Location. Opening. Altering. Vacating**

a **Mass.** Bates. "The metropolitan district is becoming a compact city, largely as the result of outward growth from many centers originally distinct. . . Traffic between these centers, so long as the intervening regions offered no serious obstacles, found adequate highways; but as the streams of traffic have increased they have outgrown these old roads, and it has become difficult to provide for them. I suggest that an unpaid commission might profitably study the whole matter, examine the process of transportation within the metropolitan district, and report upon the feasibility of establishing some joint agency having authority to plan and control the future development of main thoroughfares and passenger railways, with a view to securing the maximum of efficiency, economy and convenience." 7 Ja 04, p.24-26

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